Part I: Administrative Legislation

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 3-11-1986 by L.L. No. 1-1986]

§ 1-1. Legislative intent; distribution table.

A. The local laws, ordinances and certain resolutions of the Town of Champlain, referred to in Subsection B of this section, together with the new regulations contained herein, shall be known collectively as the "Code of the Town of Champlain," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in Subsection B of this section.

B. Distribution of local laws, ordinances and resolutions.

Parallel Table

(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates, which are covered by the provisions of this local law, have been omitted from the Code, and such sections are indicated as "Omitted" in the table which follows.)

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 4, Assessor	L.L. No. 1-1971	2-18-1971
§ 4-1	Section 1	
§ 4-2	Section 2	
Omitted	Section 3	
Chapter 10, Ethics, Code of	Resolution	3-2-1971
§ 10-1	Unnumbered paragraph	
§ 10-2	Section 1	
§ 10-3	Section 2	
§ 10-4	Section 3	
§ 10-5	Section 4	
§ 10-6	Section 5	
§ 10-7	Section 6	
Omitted	Section 7	
Chapter 17, Meetings	Resolution	3-1-1977
§ 17-1	Section 1	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ 17-2	§ 2	
§ 17-3	§ 3	
§ 17-4	§ 4	
§ 17-5	§ 5	
§ 17-6	§ 6	
§ 17-7	§ 7	
§ 17-8	§ 8	
§ 17-9	§ 9	
§ 17-10	§ 10	
Omitted	§ 11	
Omitted	§ 12	
Chapter 23, Ordinances, Publication of	L.L. No. 2-1981	4-30-1981
§ 23-1	Section 1	
§ 23-2	Section 2	
§ 23-3	Section 3	
Chapter 46, Bingo	Ordinance	5-20-1958
§ 46-1	Section 1	
§ 46-2	Section 2	
§ 46-3	Section 3	
§ 46-4	Section 4	
§ 46-5	Section 5	
§ 46-6	Section 6	
§ 46-7	Section 7	
Chapter 66, Dogs		
Article I, Dog License Fees	L.L. No. 2-1979	10-2-1979
§ 66-1	Sections 1 and 2	
Article II, Purebred License Fees	L.L. No. 2-1980	12-2-1980
§ 66-2	Sections 1 and 2	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Omitted	Section 3	
Article III, Disposition of Unwanted Dogs	L.L. No. 1-1981	4-7-1981
§ 66-3	Section 1	
§ 66-4	Section 2	
§ 66-5	Section 3	
§ 66-6	Section 4	
§ 66-7	Section 5	
§ 66-8	Section 6	
§ 66-9	Section 7	
Article IV, General Regulations	L.L. No. 1-1984	6-5-1984
§ 66-10	Section 1.1	
§ 66-11	Section 1.2	
§ 66-12	Section 1.3	
§ 66-13	Section 1.4	
§ 66-14	Section 1.5	
§ 66-15	Section 1.6	
§ 66-16	Section 1.7	
§ 66-17	Section 1.8	
Omitted	Section 1.9	
Omitted	Unnumbered paragraph	
Chapter 76, Fire Prevention and Building Construction		
Article I, Administration and Enforcement	L.L. No. 4-1984	12-4-1984
§ 76-1	Section 1, Paragraphs (a) through (1)	
§ 76-2	Section 1, Paragraph (m)	
§ 76-3	Section 2	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ 76-4	Section 3	
§ 76-5	Section 4	
§ 76-6	Section 5	
§ 76-7	Section 6	
§ 76-8	Section 7	
§ 76-9	Section 8	
§ 76-10	Section 8(a)	
§ 76-11	Section 10	
§ 76-12	Section 11	
§ 76-13	Section 12	
§ 76-14	Section 13	
§ 76-15	Section 14	
§ 76-16	Section 15	
§ 76-17	Section 16	
§ 76-18	Section 17	
§ 76-19	Section 18	
§ 76-20	Section 19	
§ 76-21	Section 20	
§ 76-22	Section 21	
§ 76-23	Section 22	
§ 76-24	Section 23	
Omitted	Section 24	
§ 76-25	Section 25	
§ 76-26	Section 26	
Omitted	Section 27	
Article II, Additional Regulations	Resolution	2-12-1985
§ 76-27	Regulation #1	
§ 76-28	Regulation #2	
§ 76-29	Regulation #3	
Omitted	Regulation #4	
Chapter 84, Games of Chance	L.L. No. 1-1979	1-16-1979

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ 84-1	Section 1	
§ 84-2	Sections 2 and 3	
Chapter 99, Records, Public Access to	Resolution	4-1-1975
§ 99-1	Section 1	
§ 99-2	Section 2	
§ 99-3	Section 3	
§ 99-4	Section 4	
§ 99-5	Section 5	
§ 99-6	Section 6, Paragraphs (a), (b) and (c)	
§ 99-7	Section 6, Paragraph (d)	
§ 99-8	Section 6, Paragraph (e)	
§ 99-9	Section 7	
§ 99-10	Section 8	
§ 99-11	Section 9	
Omitted	Section 10	
Omitted	Section 11	
Chapter 109, Streets and Sidewalks		
Article I, Notification of Defects	L.L. No. 1-1977	5-3-1977
§ 109-1	Section 1	
§ 109-2	Section 2	
§ 109-3	Section 2 (numbering error)	
Omitted	Section 4	
Chapter 113, Taxation		

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Article I, Business Investment Tax Exemption	L.L. No. 1-1976	10-5-1976
§ 113-1	Section 1	
Omitted	Section 2	
Article III, Veterans Tax Exemption	L.L. No. 5-1984	12-4-1984
§ 113-2	Section 1	
§ 113-3	Section 2	
Omitted	Section 3	
Omitted	Section 4	

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, as distributed and renumbered in § 1-1 above, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Champlain, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Town of Champlain in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law. This repeal shall be deemed to include, specifically, an ordinance entitled "Ordinance Designating Main Arteries of Travel and Stop Streets," adopted May 3, 1966.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative

provision of the Town of Champlain prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.

B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Champlain, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this local law, brought pursuant to any legislative provision of the Town of Champlain.

D. Any franchise, license, right, casement or privilege heretofore granted or conferred by the Town of Champlain.

E. Any local law or ordinance of the Town of Champlain providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Champlain or any portion thereof.

F. Any local law or ordinance of the Town of Champlain appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Champlain or other instruments or evidence of the Town's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The dedication of property.

J. Any local laws or ordinances relating to salaries, providing for employee benefits, establishing policies pertaining to personnel or making appointments.

K. Local Law No. 3-1979, adopted August 7, 1979, providing for a single two-year term of office for one Town Justice and one Councilman.

L. Any local law adopted after December 4, 1984 (L.L. No. 5-1984).

§ 1-5. Effect on previously adopted legislation.

In compiling and preparing the local laws, ordinances and certain resolutions of the Town for publication as the "Code of the Town of Champlain." as distributed and designated in the table in § 1-1B hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided in § 1-12.

§ 1-6. Severability.

If any clause, sentence, paragraph, section. Article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-1B hereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-7. Copy of Code on file; publication.

A copy of the Code in loose-leaf form has been filed in the office of the Clerk of the Town of Champlain and shall remain there for use and examination by the public until final action is taken on this local law, and if this local law shall be adopted, such copy shall be certified to by the Clerk of the Town of Champlain by impressing thereon the Seal of the Town of Champlain, and such certified copy shall remain on file in the office of said Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect. The enactment and application of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Champlain," or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-9. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Champlain required to be filed in the office of said Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws or resolutions until such changes or local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Clerk of the Town of Champlain upon the payment of a fee to be set by resolution of the Town Board, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-11. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Champlain or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Champlain to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than $250 or to imprisonment for a term of not more than 15 days, or to both.

§ 1-12. Changes in previously adopted legislation; new regulations.

A. In compiling and preparing the legislation for adoption and revision as part of the Code pursuant to § 20 of the Municipal Home Rule Law, as amended, certain grammatical changes and other minor changes were made in one or more of pieces of said legislation. It is the intention of the Town Board of the Town of Champlain that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such.

B. In addition, the following revisions to existing legislation are made herewith and the following new regulations are hereby enacted, to become effective upon the effective date of this local law. The section number references are to the legislation as it has been renumbered and appears in the Code.[1]

§ 1-13. Incorporation of provisions into Code.

The provisions of this local law are hereby made Chapter 1 of the Code of the Town of Champlain, to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-14, inclusive.

§ 1-14. When effective.

This local law shall take effect in accordance with law upon filing with the Secretary of State of the State of New York.

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1. **Editor's Note: Pursuant to § 1-12B, the following sections were added or amended at time of adoption of Code and the following new regulations were enacted: §§ 10-3 and 10-6; Ch. 20, Art. I; §§ 46-2, 46-4 and 46-5A, B, C, D, E, K and L; Ch. 50; Ch. 52; Ch. 56; § 66-7B, Ch. 80; §§ 99-2A, 99-3, 99-4 and 99-9E; and Ch. 105. Original Section 9 of L.L. No. 4-1984 (Ch. 76, Art. I) was deleted at time of adoption of Code. The complete text of these changes is on file in the Town offices for inspection during normal office hours.**

Chapter 4

ASSESSMENTS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 113.

ARTICLE I
Assessor
[Adopted 3-11-1986 by L.L. No. 2-1986]

§ 4-1. Repealer.[2]

Local Law No. 1-1971, continuing the offices of elected Assessors, is hereby repealed.

§ 4-2. Appointed Assessor.

Pursuant to Article 3, Title 2, of the Real Property Tax Law,[3] on and after the 26th day of April 1986 there shall be but one Assessor in the Town of Champlain, to be appointed as provided by the Real Property Tax Law.

§ 4-3. Permissive referendum.

This article is subject to permissive referendum.

§ 4-4. Elected assessors' terms of office terminated.

Upon the expiration of 45 days after the adoption of this article, or if this article is submitted for approval by the electors, upon approval of such chapter, the term or terms of office of all Assessors then in office shall terminate on the date set forth in such chapter for the establishment of the office of an appointed Assessor.

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2. **Editor's Note: Local Law No. 1-1971, adopted 2-18-1971, comprised former Ch. 1, Assessor.**

3. **Editor's Note: See §§ 308 through 322 of said law.**

ARTICLE II
Hearing of Complaints
[Adopted 4-13-2010by L. L. No. 2-2010]

§ 4-5. Title; intent.

This is an article to change the first date for the meeting of the Board of Assessment Review to hear complaints in relation to assessments from the fourth Tuesday in May of each year to the Thursday following the fourth Tuesday in May of each year.

§ 4-6. Authority.

This article is hereby enacted pursuant to the authority granted by Subdivision 1-a of § 512 of the Real Property Tax Law of the State of New York.

§ 4-7. Hearing of complaints by Board of Assessment Review.

Beginning on the Thursday following the fourth Tuesday in May of each year and so many days thereafter as the Board of Assessment Review deems necessary, such Board shall meet to hear complaints in relation to assessments of real property in the Town of Champlain.

§ 4-8. Duration.

This article shall remain in effect until rescinded or suspended by a subsequent local law.

Chapter 10

ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-2-1971. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 20. **Planning Board — See Ch. 26.**

§ 10-1. Standards established.

The Town Board of the Town of Champlain does hereby establish the following standards of conduct for officers and employees of the Town of Champlain.

§ 10-2. Statutory authorization; purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the members of the Town Board of the Town of Champlain recognize that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Champlain. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Champlain. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 10-3. Definitions. [Amended 3-11-1986 by L.L. No. 1-1986]

As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE — An officer or employee of the Town of Champlain, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as a result of a contract with the municipality which such officer or employee serves.

§ 10-4. Standards of conduct.

Every officer or employee of the Town of Champlain shall be subject to and abide by the following standards of conduct:

A. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any

gift having a value of $25 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

C. Representation before one's own agency. He shall not receive or enter into any agreement for, express or implied, compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement for, express or implied, compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Town Board and any officer or employee of the Town of Champlain, whether paid or unpaid, who participates in the discussion or gives an official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.

G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Champlain in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 10-5. Construal of provisions.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Champlain or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 10-6. Distribution of copies. [Amended 3-11-1986 by L.L. No. 1-1986]

The Supervisor of the Town of Champlain shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town within 20 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of the provisions thereof.

§ 10-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Chapter 17

MEETINGS

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-1-1977 by resolution. Amendments noted where applicable.]

GENERAL REFERENCES

Public access to records — See Ch. 99.

§ 17-1. Purpose.

The purpose of this chapter is to provide notice to the public and the news media of the regular and special meetings of the Town Board at which public business is officially transacted, in compliance with the Open Meetings Law (Public Officers Law, Article 7). Such notice is designed to facilitate public attendance at such meetings and to observe and listen to the deliberation and decisions of this Board.

§ 17-2. Definitions.

A. The terms, words and phrases used in this chapter shall have the same meanings as such terms, words and phrases are defined in the § 92 of the Public Officers Law.[4]

B. As used in this chapter, the following terms shall have the meanings indicated:

NEWS MEDIA — A newspaper that is printed not less frequently than once a week, in which legal notices may be published, or a radio or television station that regularly broadcasts news.

NOTICE — Includes, but shall not be limited to, written or oral information relating to the date, time and place where a meeting is to be held.

§ 17-3. Designation of sites for posting of notice.

The following locations are hereby designated as the sites where notice of all meetings held by the Town Board shall be posted:

A. Official bulletin board located at Town Clerk's office, 63 Lake Street, Rouses Point, New York.

B. Town Office Garage, Route 9, Champlain, New York.

§ 17-4. Designation of news media to receive notice.

Any or all of the following officially designated newspapers or newspapers of general circulation within the Town of Champlain and television or radio stations are hereby designated as the news media that shall receive notice of the meetings of the Town

4. **Editor's Note: Former § 92 of the Public Officers Law was renumbered as § 97 by Chapter 933 of the Laws of 1977, which § 97 was subsequently renumbered as § 102 by Chapter 652 of the Laws of 1983.**

Board:

A. The Press Republican.

B. The North Countrymen.

C. WPTZ TV.

D. WEAV radio.

E. WIRY radio.

F. WKDR radio.

§ 17-5. Duty of Clerk to provide notice.

A. The Town Clerk shall be responsible for providing notice to the general public and the news media as provided in this chapter.

B. The Town Clerk shall, upon request, whenever possible, provide notice to any person of the date, time and place of a meeting of the Town Board, whether the request for such information is made in person, in writing or by telephone; provided, however, that a written request requiring a written notice shall be accompanied by a properly stamped self-addressed envelope and that a telephone request requiring the Town Clerk to return a long-distance call shall not be honored unless the requester accepts the charges for such call.

§ 17-6. Notice of meetings scheduled at least one week in advance.

A. The public shall be informed of meetings scheduled at least one week in advance by the posting of a notice at least 72 hours in advance of such meetings in locations designated in § 17-3 herein.

B. The newspapers or radio or television stations designated in § 17-4 herein shall be informed of a meeting scheduled at least one week in advance at least 72 hours in advance of such meeting by mail, or by telephone or personal delivery of the notice to an officer or employee of the news media, as follows:

(1) Notice provided by mail to the news media shall be sent by certified return receipt mail at least one week in advance of such meeting to ensure that notice will be provided to the news media at least 72 hours in advance of a meeting.

(2) When notice to the news media is personally delivered, the person delivering the notice shall obtain a receipt signed by an officer or employee of the news media, which receipt shall also show the time and date thereof and the title of such officer or employee, and shall state that notice has been provided in compliance with § 94 of the Public Officers Law.[5]

(3) When notice to the news media is given by telephone, the person making such telephone call shall obtain the name and title of the officer or employee to whom the notice is given and shall write down such information and the time

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5. Editor's Note: Former § 94 of the Public Officers Law was renumbered as § 99 by Chapter 933 of the Laws of 1977, which § 99 was subsequently renumbered as § 104 by Chapter 652 of the Laws of 1983.

and date of such call as provided herein.

§ 17-7. Notice of meetings scheduled less than one week in advance.

A. The public shall be informed of meetings scheduled less than a week in advance as soon as practicable by the posting of notices in locations designated by § 17-3 herein.

B. Notice to the news media shall be delivered personally or by telephone in accordance with the requirements set forth in § 17-6B(2) or (3) herein, respectively.

§ 17-8. Notice of regularly scheduled meetings.

A. When the Town Board schedules meetings in advance that are to be held at specific times and locations and on specific dates, a single notice may be provided to the public and the news media.

B. Notice specifying the time, location and dates of regularly scheduled meetings shall be posted in locations designated in § 17-3 herein.

C. Notice specifying the time, location and dates of regularly scheduled meetings shall be posted to the news media designated in § 17-4 herein. Such notice shall be provided in accordance with the requirements set forth in § 17-6B(1) or (2) of this chapter.

§ 17-9. Notices of changes in scheduled meetings.

When the time, date or location of a scheduled meeting is changed, the Town Clerk shall, as soon as practicable:

A. Post notices showing the change in date, time or location of a meeting at the sites designated by § 17-3 herein.

B. Provide notice to the news media designated to receive notice by § 17-4 herein as provided in § 17-6 or 17-7, as the case may be, of this chapter.

§ 17-10. Record of notice.

The Town Clerk shall keep a log or other record in which there shall be entered the following information relating to giving of public notice under this chapter:

A. The date of posting of the public notice, the date or descriptive schedule of the meeting or meetings for which notice was given and the name and title of the person who posted the notice.

B. If notice is given to the news media by mail, the date of mailing of the same, the date or descriptive schedule of the meeting or meetings for which notice was given and the name and title of the person who mailed such notice.

C. If notice to the news media is given by personal delivery, the time and date of delivery of the same, the date or descriptive schedule of the meeting or meetings for which the notice was delivered, the name and title of the officer or employee to whom it was delivered and the name and title of the person who delivered the

notice.

D. If notice to the news media is given by telephone, the time and date of such telephone call, the date or descriptive schedule of the meeting or meetings for which such notice is given, the name and title of the officer or employee to whom it was given and the name and title of the person who gave such notice.

Chapter 20

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 10.

Planning Board — See Ch. 26.

ARTICLE I
Defense and Indemnification
[Adopted 3-11-1986 by L.L. No. 1-1986]

§ 20-1. Civil actions or proceedings.

The Town Board of the Town of Champlain hereby confers the benefits of § 18 of the Public Officers Law upon the officers and employees of said Town and agrees to be held liable for costs incurred under the provisions of such section.

§ 20-2. Civil actions or proceedings for alleged civil rights violations.

The Town of Champlain shall provide for the defense of any Town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under §§ 1981 and 1983 of the United States Civil Rights Act. The Town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of his public employment, powers or duties. The provisions of this section shall be in addition to any other statute, local law or enactment providing legal defense and indemnification in civil actions brought against such officer or employee.

§ 20-3. Criminal actions or proceedings.

The Town of Champlain shall provide for the defense and indemnification of all Town officers and employees in any criminal action or proceeding arising out of any alleged act or omission which occurred while the officer or employee was acting within the scope of his public employment or duties. This duty to provide for defense and indemnification shall not arise where such criminal action or proceeding is brought by or on behalf of the Town. The procedures outlined in § 18 of the Public Officers Law for defense and indemnification of officers and employees in civil cases shall apply, where appropriate, in such criminal cases.

ARTICLE II
Terms of Service
[Adopted 8-9-2005 by L.L. No. 1-2005[6]]

§ 20-4. Statutory authority.

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

§ 20-5. Increase in term of office.

The terms of office of the elected Town Supervisor, Town Highway Superintendent, and Town Clerk/Tax Collector shall be four years. Such four-year term shall commence as of the first day of January 2006, and shall apply to the person elected to such office at the biennial Town Election to be held on November 8, 2005, and to those elected thereafter, provided a proposition submitted pursuant to § 20-6 below is approved.

§ 20-6. Mandatory referendum.

This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Champlain at the biennial Town Election to be held on November 8, 2005. A proposition in the following form shall be included on the ballot at such biennial Town Election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Local Law No. 1 in the year 2005, entitled 'A Local Law Increasing the Term of Office of Town Supervisor, Town Highway Superintendent and Town Clerk/Tax Collector from Two to Four Years,' be approved?"

§ 20-7. Supersession.

This article shall supersede Town Law § 24 relating to the terms of office for Town Supervisor, Town Highway Superintendent, and Town Clerk/Tax Collector of the Town of Champlain.

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6. Editor's Note: This local law passed at referendum 11-8-2005.

Chapter 23

ORDINANCES, PUBLICATION OF

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Meetings — See Ch. 17.

Zoning — See Ch. 130.

ARTICLE I
Publication Regulations
[Adopted 4-30-1981 by L.L. No. 2-1981]

§ 23-1. Summary publication authorized.

Every ordinance and every amendment or supplement to an ordinance hereafter adopted or approved by the Town Board of the Town of Champlain which is or may be required to be published in one or more newspapers in order to make such ordinance, amendment or supplement effectual shall not be so published in full, but it shall be sufficient to publish in such newspaper or newspapers a notice setting forth the title thereof, a brief description of the provisions thereof and a statement that the full text thereof is on file and may be inspected in the office of the Town Clerk.

§ 23-2. Supersession of state law.

This article shall supersede in their application to the Town of Champlain the provisions of §§ 133, 264 and 265 of the Town Law relating to publication only of an ordinance, amendment or a supplement to an ordinance adopted or approved by the Town Board.

§ 23-3. Permissive referendum.

This article shall be subject to referendum on petition pursuant to § 24 of the Municipal Home Rule Law and shall take effect immediately upon filing in the office of the Secretary of State in accordance with § 27 of such law.

ARTICLE II
Publication of Zoning Ordinances
[Adopted 3-8-1994 by L.L. No. 3-1994]

§ 23-4. Summary publication of zoning ordinances.

Pursuant to § 10 of the Municipal Home Rule Law, this article shall provide for the publication of summary descriptions of the texts of all zoning ordinances and zoning local laws adopted by the Town Board, thus superseding the publication requirements of Town Law § 264.

§ 23-5. Contents of summary.

The summary published shall include notice that an ordinance or local law has been adopted, a summary text of the law providing sufficient information as to the substance of the law and shall note that the complete text of the law is on file in the Town Clerk's office and shall be available at any time during regular business hours for public inspection.

Chapter 26

PLANNING BOARD

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-9-2004 by L.L. No. 2-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 20.

Subdivision of land — See Ch. 111.

Zoning — See Ch. 130.

§ 26-1. Planning Board established.

Pursuant to Article 7 of the Town Law, § 271, the Town Board of the incorporated Town of Champlain does hereby establish a Town Planning Board, consisting of five members.

§ 26-2. Membership; terms of office.

A. The first appointments of members thereto shall be for terms so fixed that at least one will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding years until the entire original appointments run out. At the expiration of each original appointment, the succeeding member shall be appointed for five-year terms. No such term shall exceed five years.

B. Position established for alternate members.

(1) The position of alternate member(s) of the Planning Board of the Town of Champlain is hereby established. The Town Board is authorized to appoint up to three alternate member(s).

(2) Terms. Alternate members of the Planning Board of the Town of Champlain shall be appointed for a one-year term and in the same manner as regularly appointed members of the Planning Board.

(3) Duties. Alternate members shall serve in the absence, unavailability or inability of a regular member of the Planning Board to serve. Copies of notices shall be sent to all members. When a meeting of the Planning Board shall be duly noticed and called for discussion, if it shall become apparent that a regular member of the Planning Board will be unable to hear and deliberate upon an application, then an alternate member of the Planning board, at the call of the Chairmen of said Board, or if absent, then the present members of the Board, shall be duly authorized to hear the application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the Board.

§ 26-3. Bylaws of the Planning Board.

TOWN OF CHAMPLAIN PLANNING BOARD BYLAWS

ARTICLE 1 — OFFICERS AND DUTIES

A. The Officers shall be a Chairperson and a Vice-Chairperson.

B. The Officers of the Board shall be appointed from among the members by the Town Board. The officers shall serve for one calendar year, after which the Town Board shall appoint such officers at the annual Town Board organizational meeting. In the event of death or resignation of any officer, a successor shall be appointed by the Town Board as soon as possible.

C. The Chairperson shall supervise the affairs of the Planning Board, shall preside at all meetings of the Board and shall appoint such committees and subcommittees, of such size as may be necessary, to carry out the purpose of the Planning Board. The Chairperson shall be an ex-official member of all committees and subcommittees so appointed.

D. The Vice-Chairperson shall perform such duties as may be delegated by the Chairperson. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties and exercise all the powers of the Chairperson.

   1. There shall be a Secretary to the Planning Board. The Town Board shall approve the appointment of the Secretary, upon recommendation of the Planning Board.

   2. The Secretary shall record and maintain permanent minutes of the meeting of the Planning Board, which minutes shall be a public record; shall keep a record of attendance of members at such meetings; shall inform applicants in writing of the Board's decisions; shall perform such other duties as shall be delegated by the Chairperson. A draft of the minutes shall be provided to the Town Clerk and the Chairperson within two weeks of the Board meeting. After minutes are approved by the Board at the next monthly meeting, final copies will be provided to the Town Clerk and the Town Board.

   3. In the absence of the Secretary, the Board shall select a temporary Secretary to perform the duties of Secretary.

E. The five members of the Board are appointed by the Town Board for a five-year term. Members appointed to fill a vacancy, however, shall be appointed only for the unexpired term. All members shall become familiar with the General Governing Rules in Article 5 herein, and any other references referred by the Chairperson concerning specific issues under discussion.

   1. Attendance

      a. All members shall attend at least 75% of scheduled meetings each year.

      b. All members will make every effort to take part in site visits when necessary as dictated by deliberation during meetings.

ARTICLE 2 — MEETINGS

A. Regular meetings shall be held on the 2nd Thursday of each month, at 6:00 p.m. at the Town of Champlain Town Hall on Route 9 in the Town of Champlain, unless such day shall be recognized as a holiday. Alternate dates for holidays will be agreed to by a majority vote of the members present at least one month in advance of the change date.

B. Special meetings may be called by the Chairperson, or by any three members, on five days written notice to all members.

ARTICLE 3 — VOTING

A. A quorum shall be required to conduct business at any regular or special meeting and shall consist of at least three members of the Board or duly appointed alternate members. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be readvertised in accordance with the requirements of the applicable law.

B. All members shall have equal voting rights.

C. All matters shall be decided by a roll-call vote. A concurring vote of three of the members present shall be required to act on any matter before the Board. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

D. Conflict of Interest.

1. No member of the Board shall sit in hearing or vote on any matter in which he or she is personally or financially interested. Said member shall not be counted by the Board in establishing the quorum for such matter.

2. If a member has a question concerning the appropriateness of his or her participation in a hearing or vote, after discussion with the chairperson the matter may be referred to the Town Attorney or other ethics committee for advice. This referral should occur prior to the meeting to avoid a delay for the applicant.

ARTICLE 4 — PROCEDURE

A. The Order of Business of meetings of the Planning Board shall be:

1. Roll call.
2. Reading and approval of minutes of previous meeting.
3. Communications.
4. Reports of committees.
5. Unfinished business.
    a. Public hearing of previously discussed subdivisions.
    b. Other previously discussed subdivisions, site plans, etc.
6. New business.
    a. Public hearing of site plans.
    b. Sketch plans, new subdivisions, etc.
    c. Zoning Board of Appeals request for comment.

d. Miscellaneous business.

7. Adjournment.

ARTICLE 5 — GENERAL RULES

A. The following references shall be utilized to conduct the Planning Board's review:

1. Subdivisions.

a. Town of Champlain Land Subdivision Regulations.[7]

2. Site Plans.

a. Town of Champlain Zoning Law.[8]

3. Miscellaneous.

a. Town of Champlain Zoning Law.

B. In addition to the above, the Planning Board of the Town of Champlain shall be governed by the provisions of all applicable state statutes, local laws, local ordinances and the Bylaws.

ARTICLE 6 — ADOPTION AND AMENDMENTS

A. Upon adoption of these Bylaws by the Town of Champlain, the secretary shall file a copy of these Bylaws with the Town Clerk and they shall be a public record.

B. Recommendations to amend these Bylaws may be made at any Planning Board regular meeting. Proposed amendments shall be presented to the members in writing at least one month prior to the date on which a vote is to take place. Recommended amendments shall then be forwarded to the Town Board for adoption.

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7. Editor's Note: See Ch. 111, Subdivision of Land.

8. Editor's Note: See Ch. 130, Zoning.

Chapter 30

PROCUREMENT

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Best Value Bidding
[Adopted 4-8-2014 by L.L. No. 1-2014]

§ 30-1. Purpose.

The Town Board seeks to exercise the local option set forth in § 103, Subdivision 1, of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, which amendment authorized the Town to award purchase contracts and contracts of services subject to competitive bidding and/ or competitive request for proposals under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder if factors such as lower cost of maintenance, durability, higher quality and longer product life.

§ 30-2. Award-based on low bid or best value.

The Town Board may award purchase contracts and service contracts that have been procured pursuant to competitive bidding and/or competitive request for proposals under General Municipal Law § 103 by either lowest responsible bidder or best value.

§ 30-3. Applicability.

The provisions of this chapter apply to Town purchase contracts involving an expenditure of more than $20,000 and Town contracts for services involving an expenditure or more than $35,000 but exclude purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law and exclude any other contract that may in the future be excluded, under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

§ 30-4. Standards for best value.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following; cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

§ 30-5. Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest-responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

§ 30-6. Authority.

This chapter is enacted pursuant to the authority of the Municipal Home Rule and General Municipal Law § 103(1).

§ 30-7. Conflict with other provisions.

Any inconsistent provision of the Town's Procurement Policy, as adopted prior to the effective date of this chapter by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Part II: General Legislation

Chapter 46

BINGO

[HISTORY: Adopted by the Town Board of the Town of Champlain 5-20-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Games of chance — See Ch. 84.

§ 46-1. Title.

This chapter shall be known and may be cited as the "Bingo Licensing Ordinance" of the Town of Champlain, Clinton County, New York.

§ 46-2. Definitions.

As used in this chapter, unless the context requires otherwise, the following terms shall have the following meanings:

AUTHORIZED ORGANIZATION — Includes any bona fide religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans or volunteer firemen, which, by its charter, certificate of incorporation, constitution or act of the Legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in Article 14-H of the General Municipal Law, provided that each shall operate without profit to its members and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in said Article 14-H for a period of one-year immediately prior to applying for a license under Article 14-H.**[Amended 3-11-1986 by L.L. No. 1-1986]**

BINGO or GAME — Includes a specific game of chance, commonly known as "bingo" or "lotto," in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

CONTROL COMMISSION — The State Racing and Wagering Board.**[Amended 3-11-1986 by L.L. No. 1-1986]**

LICENSE — A license issued pursuant to the provisions of this chapter and of Article 14-H of the General Municipal Law of the State of New York and all other laws and the Constitution of the State of New York.**[Amended 3-11-1986 by L.L. No. 1-1986]**

MUNICIPALITY — The Town of Champlain.

§ 46-3. Conduct of games authorized.

It shall be lawful for any authorized organization, upon obtaining a license therefor, as hereinafter provided, to conduct the game of bingo within the territorial limits of the Town of Champlain, subject to the provisions of this chapter, Article 14-H of the General Municipal Law, Article 19-B of the Executive Law or any other laws enacted by the State of New York.

§ 46-4. License required. [Amended 3-11-1986 by L.L. No. 1-1986]

No person or authorized organization shall conduct the game of bingo unless he shall first have obtained a license to do so from the Town. The application for such license shall be made upon forms provided and prescribed by the Town Clerk in conformance with the rules and regulations of the Control Commission, this chapter and the laws of the State of New York.

§ 46-5. Restrictions upon conduct of games.

No game of bingo shall be conducted other than in compliance with the laws of the State of New York, this chapter, the license issued and the following restrictions:

A. No person, firm, association, corporation or organization, other than a license under the provisions of Article 14-H of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect. **[Amended 3-11-1986 by L.L. No. 1-1986]**

B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game. **[Added 3-11-1986 by L.L. No. 1-1986]**

C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law[9] or from another authorized organization. **[Added 3-11-1986 by L.L. No. 1-1986]**

D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the game. **[Amended 3-11-1986 by L.L. No. 1-1986]**

E. No prize shall exceed the sum or value of $250 in any single game of bingo. **[Amended 3-11-1986 by L.L. No. 1-1986]**

F. No series of prizes on any one bingo occasion shall aggregate more than $1,000.

G. No person except a bona fide member of any such organization shall participate in the management or operation of such game.

H. No person shall receive any remuneration for participating in the management or operation of any such game of bingo.

I. No games of chance shall be conducted on Sunday unless it shall be otherwise provided in the license issued.

J. No person under the age of 18 years shall be permitted to participate in any game of chance unless accompanied by an adult.

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9. Editor's Note: See Article 19-B of the General Municipal Law.

K. No game or games of bingo, except limited period bingo, shall be conducted under any license issued under Article 14-H of the General Municipal Law more often than on 18 days in any three successive calendar months. **[Amended 3-11-1986 by L.L. No. 1-1986]**

L. No game or games of bingo shall be conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game or games. **[Amended 3-11-1986 by L.L. No. 1-1986]**

§ 46-6. Penalties for offenses.

The unauthorized conduct of a bingo game and any willful ion of any provision of this chapter shall constitute and be punishable as a misdemeanor.

§ 46-7. Referendum required.

This chapter shall be submitted to the qualified voters of the Town at a referendum to be held in the manner prescribed by Article 6 of the Town Law and shall take effect upon the adoption of a proposition to approve said chapter by a majority of the qualified voters of said Town voting at said referendum.[10]

10. Editor's Note: The ordinance comprising this chapter was approved by a majority of the qualified voters of the Town at a referendum held 6-12-1958.

Chapter 50

BRUSH, GRASS, RUBBISH AND WEEDS

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-11-1986 by L.L. No. 1-1986. Amendments noted where applicable.]

§ 50-1. Declaration of policy.

A. It is hereby declared to be the policy of the Town Board to provide for the proper use of land to event unhealthful, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish or weeds or growth of poisonous shrubs or weeds and to protect the public health, safety and general welfare of the residents of this Town.

B. By this chapter the Town Board seeks to remove such dangers to health, life and property by requiring owners of land to cut, trim or remove brush, grass, rubbish or weeds and to cut, trim, remove or destroy poisonous shrubs or weeds and, upon default, cause the same to be done and assess the costs against the real properties on which such brush, grass, rubbish, shrubs or weeds are found.

§ 50-2. Regulation by Town.

The Town Board may from time to time by resolution require notice to be served upon owners, as hereinafter provided, to remedy any of the foregoing conditions which may exist upon the land, pursuant to the authority vested in said Town Board of the Town of Champlain under § 64, Subdivision 5-a, and § 130, Subdivision 5, of the Town Law of the State of New York, as amended.

§ 50-3. Compliance with order of Town Board required.

Any person, corporation or association being the owner of real property in the Town of Champlain outside of incorporated areas shall be required to cut, trim or remove brush, grass, rubbish or weeds and cut, trim, remove or destroy poisonous shrubs or weeds upon their lands when ordered to do so by resolution of the Town Board.

§ 50-4. Notice to be served.

Whenever the Town Board adopts a resolution requiring the owners of land to cut, trim or remove brush, grass, rubbish or weeds or cut, trim, remove or destroy poisonous shrubs or weeds upon their lands, the Town Board shall specify the place, manner and time [not less than five days from the receipt of said notice] within which such work shall be completed. A notice of the adoption of such resolution shall be served upon such owner or owners by registered or certified mail addressed to his or their last known address or by personal service.

§ 50-5. Failure to comply.

Whenever a notice or notices referred to in § 50-4 hereof has been or have been served upon such owner or owners of the respective lots or parcels of land to cut, trim, or remove brush, grass, rubbish or weeds or cut, trim, remove or destroy poisonous shrubs or weeds and such owner or owners shall neglect or fail to comply with the requirements

of such notice or notices within the same time provided therein, the Town Board shall authorize the work to be done and pay the cost thereof out of Town funds to be appropriated by the Town Board for such purposes.

§ 50-6. Reimbursement for costs; assessment upon real property.

The Town shall be reimbursed for costs of work performed or services rendered by direction of the Town Board, as hereinabove provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and the expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

§ 50-7. Penalties for offenses.

A violation of this chapter or any subsection or provision thereof shall be an offense and shall be punishable by a fine not exceeding $250 or by imprisonment for a period of not to exceed 15 days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. These penalties shall be in addition to the other remedies of the Town Board provided by this chapter.

§ 50-8. Enforcement.

Enforcement shall be by the Town Highway Superintendent, or his designee.

Chapter 54

BURNING, OPEN

[HISTORY: Adopted by the Town Board of the Town of Champlain 1-9-2007 by L.L. No. 1-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 76. **Zoning — See Ch. 130.**

§ 54-1. Burning without permit prohibited.

No person, firm or corporation or any other body owning, controlling or possessing a building, structure or property in the Town of Champlain shall permit, cause, suffer or allow the burning of any material outside of a structure at any time, for any cause, without a permit, as required herein.

§ 54-2. Permit.

It shall be prohibited to open-burn any materials in the Town of Champlain unless a permit has been obtained from the Town Code Enforcement Officer, and the Clinton County Emergency Services has been notified of the time, location and nature of the burn.

§ 54-3. Issuance of permit by Code Enforcement Officer.

A permit may be issued by the Code Enforcement Official to permit the burning of only such trees, brush or other clean untreated wood products and similar material as approved by the Code Enforcement Official.

§ 54-4. Application for permit; revocation.

A. An application for a permit shall be submitted on a form provided by the Code Enforcement Officer of the Town of Champlain and shall include such detail as necessary to determine compliance with these regulations. All applications shall be signed. The application shall then be submitted for review to the Code Enforcement Officer, whereby a permit shall be issued if found to be in conformance with these regulations. A copy of the issued permit will be forwarded to the Chief of the applicable Fire Department.

B. Permits must be applied for at least 48 hours in advance of the proposed burning event.

C. Permits may be revoked upon finding that the regulations and/or conditions attached to said permit, or other applicable laws have not been complied with.

§ 54-5. Exemptions.

A. These regulations shall not apply to the following:

(1) Any duly conducted fire department training exercise.

(2) The operation of an existing farm practice.

(3) Cooking of food in a contained burning pit, barbeque or fireplace as long as such is not a fire hazard.

B. However, Subsection A(1) and (2) require notification to Clinton County Emergency Services.

§ 54-6. Conditions.

The following conditions are applicable to all permits:

A. No petroleum products or material other than wood products shall be used to start or maintain any fire.

B. Tree stumps and roots shall not be burned.

C. All fires are to comply with all applicable codes, rules and regulations, including but not limited to the New York State Department of Environmental Conservation regulations, the New York State Uniform Fire Prevention and Building Code and the national Fire Protection Association Codes.

D. All fires shall be attended at all time, with proper extinguishing equipment.

E. The permit holder shall be liable for any damage caused by any fire-suppression activities that may result from any burning action.

F. All fires shall be extinguished by order of the Fire Chief or Code Enforcement Officer after complaint or existence of hazardous condition or violation of any of the terms and conditions of the permit.

§ 54-7. Penalties for offenses.

Violations of any provisions of this chapter shall be punishable as follows:

A. First offense: $100.

B. Second offense: $500.

C. Third offense: $1,500 and/or up to 30 days incarceration in County Jail.

Chapter 56

CATS

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-11-1986 by L.L. No. 1-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs — See Ch. 56.

§ 56-1. Purpose.

The purpose of this chapter is to authorize the Dog Control Officer of the Town of Champlain, pursuant to § 130, Subdivision 9, of the Town Law, to pick up domestic cats, under certain conditions.

§ 56-2. Statutory authority.

Section 130, Subdivision 9, of the Town Law empowers a Town to enact ordinances, rules and regulations restraining the running at large of animals.

§ 56-3. Seizure under certain conditions.

A. When, in the opinion of the Dog Control Officer, a domestic cat presents a threat to a person or property, or may be rabid, the Dog Control Officer is empowered to seize such domestic cat. Domestic cats so seized shall be taken to a suitable shelter maintained by said officer.

B. If the owner of such domestic cat cannot be found or if said owner refuses to pick up such domestic cat, then such domestic cat (other than those which may be rabid) may be adopted out by the Dog Control Officer or may be delivered to the nearest available American Society for the Prevention of Cruelty to Animals or any such society duly incorporated for that purpose.

§ 56-4. Voluntary surrender of cats by owners.

Any owner may voluntarily surrender one or more cats to the Dog Control Officer by delivery of such cats to the Town of Champlain kennel. Such cats shall be made available for adoption by the Dog Control Officer. Any such cats which are not adopted within five days from the date of surrender shall be euthanized.

§ 56-5. Fees.

The Town Board, by resolution, may establish a schedule of fees, and amend same, to be charged to owners of domestic cats picked up or voluntarily surrendered pursuant to this chapter.

Chapter 66

DOGS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Cats — See Ch. 56.

ARTICLE I
Dog License Fees
[Adopted 10-2-1979 by L.L. No. 2-1979]

§ 66-1. Fees. [Amended 12-29-1987 by L.L. No. 2-1987]

A. As authorized by § 110, Subdivision 4, of the Agriculture and Markets Law, the additional local annual fee for all dog licenses shall be $5.

B. This article shall apply to licenses effective as of February 1, 1988.

ARTICLE II
Purebred License Fees
[Adopted 12-2-1980 by L.L. No. 2-1980]

§ 66-2. Fees.

A. Pursuant to § 110 of the Agriculture and Markets Law, the annual fees for each purebred license shall be:

(1) Fifty dollars if no more than 10 registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of the application.

(2) Seventy-five dollars if no more than 25 registered pure bred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application.

(3) One hundred twenty-five dollars if more than 25 registered purebred dogs or pure bred dogs eligible for registration over the age of six months are harbored on the premises at the time of application.

B. This represents an increase of $25 in each of the three categories.

C. This article shall apply to licenses effective as of January 1, 1981.

ARTICLE III
Disposition of Unwanted Dogs
[Adopted 4-7-1981 by L.L. No. 1-1981]

§ 66-3. Authority granted to accept and dispose of dogs.

Authority is hereby granted to the Town of Champlain Dog Control Officer (DCO) and/or Town of Champlain municipal shelter to take possession of and dispose of (including by euthanization) unwanted owned dogs.

§ 66-4. Authority granted to dispense with usual redemption provisions.

Authority is hereby granted to the DCO and/or municipal shelter to dispense with the usual redemption provisions of Article 7 of the Agriculture and Markets Law.

§ 66-5. Consent form.

Prior to acceptance of any such dog, the owner shall execute a consent and/or affidavit in a form prescribed by the Town of Champlain, agreeing to the disposition (including euthanization) of said dogs and absolving the DCO, shelter and municipality of all liability.

§ 66-6. Number of days dogs held for adoption.

The maximum number of days an adoptable dog shall be held for adoption before being humanely euthanized shall be established by resolution of the Town Board.

§ 66-7. Authority granted to accept dogs from nonresidents; evidence of ownership.

A. Authority is hereby granted to the DCO and/or municipal shelter to accept dogs presented by any person. This service shall not be restricted to residents of the Towns of Champlain, Mooers and Chazy.

B. At the discretion of the Dog Control Officer, satisfactory evidence of ownership of the surrendered dog will be required. **[Added 3-11-1986 by L.L. No. 1-1986]**

§ 66-8. Authority granted to discontinue service.

Authority is hereby granted to the DCO and/or municipal shelter to discontinue this service at such times when accepting such dogs would create a condition whereby seized dogs could not be properly sheltered and cared for. Such determination shall be made by the Town Board.

§ 66-9. Fee.

The fee for such service shall be established by resolution of the Town Board.

ARTICLE IV
General Regulations
[Adopted 6-5-1984 by L.L. No. 1-1984]

§ 66-10. Purpose.

The purpose of this article is to supplement the provisions of the New York State Agriculture and Markets Law so as to prohibit situations and incidents which are not proscribed by the Agriculture and Markets Law.

§ 66-11. Control of vicious or barking dogs; female dogs in heat.

A. No dog which bites, snaps at or threatens persons walking, jogging or riding shall be allowed to run free.

B. No person who owns or harbors a dog shall allow that dog to howl or bark in such a way as to annoy any other person.

C. Any person keeping, harboring or having the care, custody and/or control of any female dog, whether licensed or unlicensed, shall confine said female dog, when in heat, on the premises of the person owning, keeping, harboring or having the care, custody and/or control of said female dog during said period.

§ 66-12. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who owns, keeps, harbors or has the care, custody and control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides. Any person harboring a dog for three days prior to any violation of this article shall be presumed to be the "owner" of said dog.

§ 66-13. Prohibited acts.

The owner of a dog shall not permit the dog to do any of the following acts:

A. Damage or deface property not belonging to the owner of the dog.

B. Deposit fecal waste, upset garbage cans, violate § 66-11A or B herein or otherwise commit a nuisance.

§ 66-14. Authority to issue warning.

Any person empowered to enforce this article shall have the authority, in his or her sole discretion, to issue a warning rather than as provided in § 66-17B, at the time of a first violation by any person.

§ 66-15. Seizure of dogs; redemption.

A. Any dog found in violation of this article may be seized pursuant to the provisions

of the Agriculture and Markets Law, as amended from time to time, by any Dog Control Officer of the Town or by a Dog Control Officer in the employ of the Town or under contract with the Town or by any peace officer pursuant to his/her special duties.

B. Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.

C. The owner of the seized dog may redeem the dog upon payment to the Clerk of the Town of the sum as required within the time as required by the Agriculture and Markets Law, as amended from time to time.

D. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia, subject to the provisions of Subdivision 2-a of § 374 of the Agriculture and Markets Law.

§ 66-16. Penalties for offenses.

A. Any dog owner or person harboring a dog who shall violate any of the provisions of this article shall, upon conviction for a first violation thereof, be subject to a fine not to exceed $25 and, upon conviction for a second violation thereof, shall be subject to a fine not exceeding $50 and, upon conviction for any subsequent violation thereof, shall be subject to a fine not exceeding $75. The determining factor shall be whether or not the dog owner, or person harboring a dog, has a prior conviction for violation of this article. It shall be irrelevant whether or not the same dog is involved.

B. In addition to the fines above provided, any Judge or Justice may also, if the circumstances in his discretion so warrant, order the permanent confinement of a dog by the owner thereof. In the event of failure of the owner to confine a dog, such dog may, upon order of any Judge or Justice, be euthanized, subject to the provisions of Subdivision 2-a of § 374 of the Agriculture and Markets Law.

§ 66-17. Complaint procedure; enforcement.

A. Any Dog Control Officer of the Town, any Dog Control Officer in the employ of the Town or any peace officer, pursuant to his/her special duties, may enforce the provisions of this article only if:

(1) A violation of this article has been committed in said officer's presence; or

(2) A person executes a sworn statement or simplified information alleging a violation of this article.

B. Enforcement of the provisions of this article may be by issuance, pursuant to the Criminal Procedure Law, of an appearance ticket or, in lieu thereof, a uniform appearance ticket and simplified information.

ARTICLE V
Dogs at Large
[Adopted 7-14-1992 by L.L. No. 2-1992]

§ 66-18. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

AT LARGE — An unleashed dog off the premises of the owner or off the premises of another person when on the premises of another person with such other person's consent and approval.

LEASHED or RESTRAINED BY A LEASH — The dog shall be equipped with a collar to which shall be attached a leash not more than eight feet long. Both the collar and leash shall be of sufficient strength to restrain the dog, and the leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

OWNER — Any person who owns, keeps, harbors or has the care, custody and control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides. Any person harboring a dog for three days prior to any violation of this article shall be presumed to be the "owner" of said dog.

TOWN — The word "Town" shall apply only to those areas of the Town of Champlain located outside of an incorporated village.

§ 66-19. Running at large.

No person or owner shall suffer to run at large or in any public place or street in the Town of Champlain, at any time, any dog, unless said dog is leashed or restrained by a leash so as to effectively control said dog. All dogs in the Town of Champlain are hereby required to be leashed and restrained by a leash while off the owner's premises, whether such dogs are or are not validly tagged or licensed; provided, however, that dogs are permitted to be unleashed while off the owner's premises when on the premises of another person with such other person's consent.

§ 66-20. Prohibited acts.

The owner of a dog shall not permit the dog, even though leashed, to do any of the following acts:

A. Damage or deface property not belonging to the owner of the dog.

B. Deposit waste or commit a nuisance on the private property of a person or party other than that of the owner of the dog.

§ 66-21. Seizure of dogs; redemption.

A. Any dog found running at large in violation of this article may be seized pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time, by any Dog Control Officer of the Town or any peace officer or by a Dog Control Officer in the employ of the Town or under contract with the Town.

B. Any dog so seized may be held subject to redemption by the owner, all pursuant to the provisions of the Agriculture and Markets Law, as amended from time to time.

C. The owner of the seized dog may redeem the dog upon payment to the Clerk of the Town of the sum as required and within the time as required by the Agriculture and Markets Law, as amended from time to time.

D. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanasia, subject to the provisions of Subdivision 2-a of § 374 of the Agriculture and Markets Law.

§ 66-22. Penalties for offenses.

A. Any dog owner or person having a dog who shall violate any of the provisions of this article shall, upon conviction for a first violation thereof, be subject to a fine not to exceed $25 and, upon conviction for a second violation thereof, shall be subject to a fine not exceeding $50 and, upon conviction for any subsequent violation thereof, shall be subject to a fine not exceeding $75. The determining factor shall be whether or not the dog owner, or person harboring a dog, has a prior conviction for violation of this article. It shall be irrelevant whether or not the same dog is involved.

B. In addition to the fine above provided, any Judge or Justice may also, if the circumstances in his/her discretion so warrant, order the permanent confinement of a dog by the owner thereof. In the event of failure of the owner to confine a dog, such dog may, upon order of any Judge or Justice, be euthanized, subject to the provisions of Subdivision 2-a of § 374 of the Agriculture and Markets Law.

§ 66-23. Complaint procedure; enforcement.

A. Any Dog Control Officer of the Town, any Dog Control Officer in the employ of the Town or any peace officer, pursuant to his/her special duties, may enforce the provisions of this article only if:

(1) A violation of this article has been committed in said officer's presence; or

(2) A person executes a sworn statement or simplified information alleging a violation of this article.

B. Enforcement of the provisions of this article may be by issuance, pursuant to the Criminal Procedure Law, of an appearance ticket or, in lieu thereof, a uniform appearance ticket or, in lieu thereof, a uniform appearance ticket and simplified information.

§ 66-24. When effective.

This Article V shall take effect immediately upon its filing with the Department of State.

§ 66-25. Expiration date.

This Article V shall be effective until 12:01 a.m. on July 15, 1993, at which time it shall expire unless renewed.[11]

11. **Editor's Note: Local Law No. 5-1993, adopted 5-21-1993, provided that Article V, Dogs at Large, be renewed without expiration so as to make it permanent.**

ARTICLE VI
Control and Licensing of Dogs
[Adopted 12-14-2010 by L.L. No. 5-2010[12]; amended in its entirety 5-13-2004 by L.L. No. 3-2014

§ 66-26. Purpose.

The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

§ 66-27. Authority.

This article is enacted pursuant to the provisions of Article 7, Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§ 66-28. Title.

The title of this article shall be Dog Control Law of the Town of Champlain.

§ 66-29. Definitions.

As used in this article, the following words shall have the following respective meanings:

DETECTION DOG — Any dog that is trained and is actually used for such purpose or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquid, firearms, cadavers, or school or correctional facility contraband.

DOG — Male and female, licensed and unlicensed, members of the specis canis familiaris.

GUIDE DOG — Any dog that is trained to aid a person who is blind and is actually used for such purpose or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.

HEARING DOG — Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

OWNER — Person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the Dog Control Officer and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one week prior to filing any complaint charging a violation of this article shall be held in and deemed to be the owner. If the owner of any dog found to be in violation of this

12. Editor's Note: This local law provided an effective date of 1-1-2011.

chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this article.

OWNER OF RECORD — The person in whose name any dog was last licensed except that if any license is issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of § 112 of the Agriculture and Markets Law, the owner shall be deemed to be the owner of record of such dog except that if the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

POLICE WORK DOG — Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency which has been trained to aid law enforcement officers and is actually being used for police work purposes.

RUN AT LARGE — To be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

SERVICE DOG — Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with disability provided that the dog is or will be owned by such person or that person's parent or guardian or other legal representative.

THERAPY DOG — Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose or any dog owned by a recognized training center located within the State during the period such dog is being trained or bred for such purpose.

TOWN — The Town of Champlain.

WAR DOG — Any dog which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG — Any dog that is trained to aid in the search for missing persons and is actually used for such purpose.

§ 66-30. Restrictions.

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

D. Chase, jump upon or at or otherwise harass any person in such manner as to

reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

F. Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

G. If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

§ 66-31. Licensing of dogs.

A. All dogs in the Town of Champlain must be licensed with the Town Clerk by the age of four months and are required to present a current certificate of rabies at the time of licensing or the renewal of an existing license.

B. All dog licenses will be for a period of one year and licenses will expire at the end of the month one year from the date of issue.

C. Fees for licensing of dogs: The fee for a spayed or neutered dog will be $7.50 (which includes the assessment of a surcharge of $1 for the purpose of carrying out animal population control) and the fee for an unsprayed or unneutered dog will be $15.50 (which includes the assessment of a surcharge of $3 for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and which may be changed by a resolution of the Town Board, if deemed necessary.

D. Notwithstanding the above fee structure, anyone providing acceptable proof that they are engaged in the business of being a dog dealer and are licensed as a "pet dealer" pursuant to § 26-A of the New York Agriculture and Markets Law may apply for a group license the fees for which shall be as follows:

Number of Dogs	Fee
1 to 10	$25 plus the assessment of a service charge of $1 per dog for spayed or neutered dogs and $3 per dog for unspayed or unneutered dogs
11 to 25	$50 plus the assessment of a service charge of $1 per dog for spayed or neutered dogs and $3 per dog for unspayed or unneutered dogs
25 or more	$100 plus the assessment of a service charge of $1 per dog for spayed or neutered dogs and $3 per dog for unspayed or unneutered dogs

E. Furthermore, notwithstanding the above fee schedule, anyone providing acceptable proof that the proposed dog for license is qualified as a guide dog, police dog, war dog, hearing dog, service dog, working search dog, detection dog, or therapy dog shall be entitled to pay based on the following fees:

(1) Fee.

(a) Zero dollars plus the assessment of a service charge of $1 for the license of the dog if the dog is spayed or neutered and a service charge of $3 if the dog is unspayed or unneutered.

(b) Five dollars plus the assessment of a service charge of $1 for the license if the dog is spayed or neutered and a service charge of $3 if the dog is unspayed or unneutered.

F. Enumeration fee: when the Town Board determines the need for a dog enumeration, a fee of $5 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

G. Purebred license: The Town of Champlain will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per fee system stated above.

H. Service dogs: the Town of Champlain will not require a license for any guide dog, service dog, hearing dog, detection dog or therapy dog.

I. The Town of Champlain does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing or to the Town Clerk of the Town of Champlain, where the shelter is located for the purchase of the license for adoption purposes.

J. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refund of fees.

K. All fees will be used in funding the administration of the Dog Control Law of the Town of Champlain.

L. Fees for seizure of dogs: The fee for seizure and impoundment of dogs in violation of this article or the law of the New York State Department of Agriculture and Markets Law are as follows:

(1) First offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such service;

(2) Second offense: $60 plus the impoundment and euthanasia fees per animal.

§ 66-32. Procedure for seizure of dogs.

A. The Dog Control Officer or any peace officer shall seize:

(1) Any unlicensed dog whether on or off the owner’s premises;

(2) Any dog not wearing a tag, and not identified, and which is not on the owner’s premises.

B. Any person who observes a dog in violation of this article may file a complaint under oath with the Town Justice of the Town of Champlain specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this article.

§ 66-33. Penalties for offenses.

Any person convicted of a violation of this article shall be liable for a civil penalty of $50 for a first violation; of $100 for a second violation; and $500 for each subsequent violation.

Chapter 72

FAIR HOUSING

[HISTORY: Adopted by the Town Board of the Town of Champlain 10-13-1992 by L.L. No. 8-1992.[13] Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 76.

§ 72-1. Purpose; enactment.

For the purpose of providing and ensuring fair housing opportunities for all within the Town of Champlain, the Town Board of the Town of Champlain, in the County of Clinton, State of New York, under the authority of the general Town Law, hereby obtains, enacts and publishes this chapter.

§ 72-2. Word usage; definitions.

A. General. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary: words used in the singular include the plural; words used in the present tense include the future tense; the word "person" includes a corporation as well as an individual, and the word "shall" is always mandatory.

B. Specific words or phrases. For the purpose of this chapter, certain terms or words herein shall be interpreted as follows:

DISCRIMINATORY HOUSING PRACTICE — An act that is unlawful under §§ 72-3, 72-4 and 72-5.

DWELLING — Any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILY — Includes a single individual.

PERSON — Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT — Includes a lease, sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

13. **Editor's Note: The preamble to this local law stated that the Fair Housing Law is "a law prohibiting discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin in the sale, rental, advertising of dwellings, in the provision of brokerage services or in the availability of residential real estate related transactions."**

§ 72-3. Discrimination in sale or rental of housing.

Except as exempted by § 72-4, it shall be unlawful within the Town of Champlain to:

A. Refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

C. Make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

D. Represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

E. For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons or a particular race, color, religion, sex, handicap, familial status or national origin.

§ 72-4. Discrimination in financing of housing.

It shall be unlawful within the Town of Champlain for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling; or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of race, color, religion, sex, handicap, familial status or national origin of such person or of any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 72-6.

§ 72-5. Discrimination in provision of brokerage services.

It shall be unlawful within the Town of Champlain to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such

access, membership or participation on account of race, color, religion, sex, handicap, familial status or national origin.

§ 72-6. Exemptions.

A. Sales/rentals by owners. **[Amended 8-10-1993 by L.L. No. 6-1993]**

(1) Nothing in § 72-3 (other than Subsection C) shall apply to:

(a) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time, provided further that, in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the recent resident of such house prior to such sale, the exception granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period, provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf under any express or voluntary agreement, title to any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at one time, provided further that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of § 72-3C of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as may be necessary to perfect or transfer the title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(2) For the purpose of this exemption, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(b) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.

B. Sales/rentals by religious organizations. Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, handicap, familial status or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental of occupancy of such lodgings to its members or from giving preference to its members.

§ 72-7. Authority and responsibility.

The authority and responsibility for publicizing, administering and enforcing this chapter shall be in the Town's Fair Housing Officer, to be designated by the Supervisor of the Town of Champlain.

§ 72-8. Reporting of violations.

Violations of this chapter shall be reported in person or in writing to the Town's Attorney/Fair Housing Officer within a year of the alleged discriminatory housing practice.

§ 72-9. Institution of suit.

Where sufficient cause exists to believe that the terms of this chapter have been violated, the Fair Housing Officer shall institute a suit in Town Court against the alleged violator within 120 days following the issuance of the charge.

§ 72-10. Penalties for offenses.

Where a person or organization has been found, after a trial on the merits, in violation of this chapter, a fine shall be imposed on such person or organization not to exceed $10,000 for a first offense, $25,000 for a second offense and $50,000 for a third offense. The minimum fine for violations of this chapter shall be $5,000 for the first offense and $500 for each additional offense. Each and every separate violation of this chapter shall be deemed an offense for the purposes of imposing the appropriate fine.

§ 72-11. Amendments.

The Town Board may, on its own initiative or on petition, amend, supplement or repeal the provisions of this chapter in conformity with applicable law after public notice and hearing.

§ 72-12. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this chapter are at variance with

the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

§ 72-13. Title.

This chapter shall be known and may be cited as the "Town of Champlain's Fair Housing Law."

Chapter 76

FIRE PREVENTION AND BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Board of the Town of Champlain 7-10-2007 by L.L. No. 3-2007.[14] Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 54.

Flood damage prevention — See Ch. 80.

Subdivision of land — See Ch. 111.

Zoning — See Ch. 130.

14. Editor's Note: This local law also superseded former Ch. 76, Fire Prevention and Building Construction: Art. I, Administration and Enforcement, adopted 12-4-1984 by L.L. No. 4-1984, as amended, and Art. II, Additional Regulations, adopted 2-12-1985.

ARTICLE I
Administration and Enforcement

§ 76-1. Purpose.

This article provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This article is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this article, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this article.

§ 76-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING PERMIT — A permit issued pursuant to § 76-4 of this article. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this article.

CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 76-7B of this article.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 76-3B of this article.

CODE ENFORCEMENT PERSONNEL — The Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 76-15A of this article.

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to § 76-3D of this article.

OPERATING PERMIT — A permit issued pursuant to § 76-10 of this article. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this article.

PERMIT HOLDER — The person to whom a building permit has been issued.

PERSON — An individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER — An order issued pursuant to § 76-6 of this article.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 76-7D of this article.

TOWN — The Town of Champlain.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 76-3. Code Enforcement Officer; inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this article. The Code Enforcement Officer shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 76-15A, Compliance orders, of this article;

(7) To maintain records;

(8) To collect fees as set by the Town Board of this Town;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this article; and

(11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article.

B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any

reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this article.

D. One or more inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this article. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board of this Town.

§ 76-4. Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters);

(2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) Installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) Construction of temporary motion-picture, television and theater stage sets and scenery;

(7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) Installation of partitions or movable cases less than five feet nine inches in height;

(9) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) Repairs, provided that such repairs do not involve:

(a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;

(b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;

(c) The enlargement, alteration, replacement or relocation of any building system; or

(d) The removal from service of all or part of a fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the proposed work;

(2) The Tax Map number and the street address of the premises where the work is to be performed;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) At least two sets of construction documents (drawings and/or specifications) which:

(a) Define the scope of the proposed work;

(b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;

(d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and

(e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit,

such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 76-16, Fees, of this article must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 76-5. Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;

(5) Building systems, including underground and rough-in;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) A final inspection after all work authorized by the building permit has been

completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 76-16, Fees, of this article must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 76-6. Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and, if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 76-15, Enforcement; penalties for offenses, of this article or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 76-7. Certificates of occupancy.

A. Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy.

B. Issuance of certificates of occupancy. The Code Enforcement Officer shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy:

(1) A written statement of structural observations and/or a final report of special inspections; and

(2) Flood hazard certifications.

C. Contents of certificates of occupancy. A certificate of occupancy shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name, address and Tax Map number of the property;

(4) If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;

(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The assembly occupant load of the structure, if any;

(8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) Any special conditions imposed in connection with the issuance of the building permit; and

(10) The signature of the Code Enforcement Officer issuing the certificate of occupancy and the date of issuance.

D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 76-16, Fees, of this article must be paid at the time of submission of an application for a certificate of occupancy or for a temporary certificate.

§ 76-8. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion

involving any structural damage, electrical fire or damage, fuel-burning appliance, chimney or gas vent.

§ 76-9. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the following definitions and procedures:

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for residential, business, agricultural or industrial purpose.

BUILDING INSPECTOR — The Zoning Enforcement Officer of the Town of Champlain or such other person appointed by the Town Board to enforce these provisions.

B. Investigation and report. When, in the Building Inspector's own opinion or upon receipt of information that a building: is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Building Inspector shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

C. Town Board order. The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

D. Notice; contents. The notice shall contain the following:

(1) A description of the premises;

(2) A statement of the particulars in which the building is unsafe or dangerous;

(3) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed;

(4) A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended;

(5) A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from date of service of the notice; and

(6) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against

the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

E. Service of notice. Said notice shall be served by serving and posting copies thereof as follows:

(1) By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes or of the County Clerk; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records;

(2) By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and

(3) By securely affixing a copy of such notice upon the unsafe building.

F. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Clinton.

G. Refusal to comply. In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided in Subsection I hereof, any contract for demolition and removal of a building in excess of $20,000 shall be awarded through competitive bidding.

H. Assessment of expenses. All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

I. Emergency cases. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Subsection H hereof.

§ 76-10. Operating permits.

A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and

incorporated by reference in 19 NYCRR 1225.1;

(b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, revoked or suspended.

F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 76-16, Fees, of this article must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 76-11. Firesafety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every 36 months.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:

(1) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(2) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(3) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such multiple dwelling at intervals not exceeding

the interval specified in Subsection A(3) of this section; and

(4) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a nonresidential building, structure, use or occupancy not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in Subsection A(3) of this section.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 76-16, Fees, of this article must be paid prior to or at the time each inspection is performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

§ 76-12. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this article, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 76-15, Enforcement; penalties for offenses, of this article;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 76-13. Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;

(7) All investigations conducted;

(8) All other features and activities specified in or contemplated by §§ 76-4 through 99-12, inclusive, of this article; and

(9) All fees charged and collected.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 76-14. Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 76-13, Recordkeeping, of this article and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 76-15. Enforcement; penalties for offenses.

A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this article. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this article; specify the provision or provisions of the Uniform Code, the Energy Code, or this article which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or

a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Any person committing an offense against any provision of this chapter shall, upon conviction, be punished by a fine of not less than $100 nor more than $200 for the first offense by a fine of not less than $100 nor more than $200 for the first offense and not less than $500 nor more than $1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment for each violation thereof. **[Amended 9-11-2018 by L.L. No. 3-2018]**

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this article, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this article, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this article, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 76-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 76-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty

specified in Subdivision (2) of § 382 of the Executive Law.

§ 76-16. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this article.

§ 76-17. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Town Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this article, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

Chapter 80

FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Champlain 7-10-2007 by L.L. No. 4-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 76. **Zoning — See Ch. 130.**

Subdivision of land — See Ch. 111.

§ 80-1. Findings.

The Town Board of the Town of Champlain finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Champlain and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 80-2. Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damages;

E. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

F. Qualify and maintain for participation in the National Flood Insurance Program.

§ 80-3. Objectives.

The objectives of this chapter are:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To provide that developers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 80-4. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL — A request for a review of the Local Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or one-hundred-year floodplain. For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING — See "structure."

CELLAR — Has the same meaning as "basement."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The

enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING — A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

   (1) The overflow of inland or tidal waters;

   (2) The unusual and rapid accumulation or runoff of surface waters from any source.

B. "Flood" or "flooding" also means the collapse or subsidence of land along the shore

of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A(1) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved state program as determined by the Secretary of the Interior; or

   (2) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR — Lowest floor of the lowest enclosed area (including basement of cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles,

building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or ONE-HUNDRED-YEAR FLOOD — Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 80-13B of this chapter.

START OF CONSTRUCTION —

A. The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

B. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 80-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Champlain, Clinton County.

§ 80-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Champlain, Community Number 361311, reidentified and defined on the following documents prepared by the Federal Emergency Management Agency:

   (1) Flood Insurance Rate Map Panel Numbers: 36019C0095D, 36019C0115D, 36019C0120D, 36019C0138D 36019C0139D, 36019C0260D, 36019C0270D, 36019C0277D 36019C0280D, 36019C0281D, 36019C0282D, 36019C0283D 36019C0284D, 36019C0290D, 36019C0295D, 36019C0301D 36019C0305D, 36019C0315D, whose effective date is September 28, 2007 any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

   (2) A scientific and engineering report entitled "Flood Insurance Study, Clinton County, New York, All Jurisdictions" dated September 28, 2007.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: Town of Champlain Town

Clerk's Office.

§ 80-7. Interpretation and conflict with other laws.

A. This chapter includes all revisions to the National Flood Insurance Program through March 20, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

§ 80-8. Penalties for noncompliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Champlain from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 80-19 and 80-20 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 80-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Champlain, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 80-10. Designation of Local Administrator.

The Code Enforcement Officer of the Town is hereby appointed Local Administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 80-11. Floodplain development permit.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 80-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of $25. In addition, the applicant shall be responsible for reimbursing the Town of Champlain for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than $500 to cover these additional costs.

§ 80-12. Application for permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

A. The proposed elevation, in relation to mean sea, level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones, A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 80-15C, Utilities.

D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 80-17, Nonresidential structures.

E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency management Agency (FEMA) to revise the documents enumerated in § 80-6, when notified by the Local Administrator, and must pay any

fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

F. A technical analysis by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

G. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 80-13. Duties and responsibilities of Local Administrator.

Duties of the Local Administrator shall include, but not be limited to the following:

A. Permit application review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of Subsection C of § 80-12, Application for a permit, and for compliance with the provisions and standards of this chapter.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 80-14 through 80-18, and, in particular, § 80-14A, Subdivision proposals.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 80-14 through 80-18, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

B. Use of other flood data.

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local

Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 80-12G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses.

(1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage.

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop-work orders.

(1) The Local Administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties

described in § 80-5 of this chapter.

(2) The Local Administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 80-8 of this chapter.

G. Certificate of compliance.

(1) In areas of special flood hazard, as determined by documents enumerated in § 80-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this chapter.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The Local Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsections A and B, and whether or not the structures contain a basement;

(3) Floodproofing certificates required pursuant to Subsection A, and whether or not the structures contain a basement;

(4) Variances issued pursuant to §§ 80-19 and 80-20; and

(5) Notices required under Subsection C, Alteration of watercourses.

§ 80-14. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 80-6.

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

(1) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The Town of Champlain agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and applicant provides all necessary data, analysis and mapping and reimburses the Town of Champlain for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Champlain for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 80-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b) The Town of Champlain agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Champlain for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Champlain for all costs related to the final map revisions.

§ 80-15. Standards for all structures.

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed areas.

(a) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

[2] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State of the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 80-16. Residential structures.

Elevation: The following standards, in addition to the standards in § 80-14A, Subdivision proposals, and § 80-14B, Encroachments, and § 80-15, Standards for all structures, apply to structures located in areas of special flood hazard as indicated.

A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood level.

B. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 80-6 (at least two feet if no depth number is specified).

D. Within Zones AH and AO, adequate drainage pats are required to guide floodwaters around and away from proposed structures on slopes.

§ 80-17. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 80-14A, Subdivision proposals, and § 80-14B, Encroachments, and § 80-15, Standards for all structures:

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

   (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

   (2) Be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

   (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

   (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design; specifications; and plans for construction. A floodproofing certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 80-18. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § 80-14, General standards, and § 80-15, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(a) Be on site fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the requirements for manufactured homes in Subsections B, C and D.

(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map

enumerated in § 80-6 (at least two feet if no depth number is specified).

§ 80-19. Appeals Board.

A. The Zoning Board of Appeals as established by the Town of Champlain shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 80-20. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing § 80-19D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure."

(2) The variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria of Subsections A, D, E, and F of this section are met;

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification of:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Notification.

(1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(b) Such construction below the base flood level increases risks to life and property.

(2) Such notification shall be maintained with the record of all variance actions as required in § 80-13H of this chapter.

Chapter 84

GAMES OF CHANCE

[HISTORY: Adopted by the Town Board of the Town of Champlain 1-16-1979 by L.L. No. 1-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Bingo — See Ch. 46.

§ 84-1. Conduct of games permitted.

Pursuant to the authority granted by Article 9-A of the General Municipal Law, and subject to all the provisions contained therein, the conduct of games of chance within the territorial limits of the Town of Champlain, by authorized organizations, is hereby permitted.

§ 84-2. Mandatory referendum.

This chapter is subject to mandatory referendum. Said referendum shall be submitted at a special election held not less than 60 days after the adoption of this chapter, the date for such special election to be fixed by the Town Board. This chapter shall become operative only if approved by the affirmative vote of a majority of the qualified electors of the Town of Champlain voting thereon.[15]

15. **Editor's Note: The local law comprising this chapter was approved by a majority of the qualified voters of the Town at a referendum held 3-27-1979.**

Chapter 89

JUNK AND VEHICLE STORAGE

[HISTORY: Adopted by the Town Board of the Town of Champlain 10-14-2003 by L.L. No. 2-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 107.

Zoning — See Ch. 130.

ARTICLE I
Introduction

§ 89-1. Authority.

This chapter is adopted pursuant to the authority granted the Town of Champlain in § 10 of the Municipal Home Rule Law and in § 130(15) of the Town Law.

§ 89-2. Title.

This chapter shall be known as the "Town of Champlain Junk and Vehicle Storage Law."

§ 89-3. Purpose.

By adoption of this chapter, the Town of Champlain declares its intent to regulate and control the storage or keeping of junk and vehicles, and to regulate junkyards, whether operated for commercial profit or otherwise. The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable and sometimes explosive. Junk and particularly junked vehicles can constitute attractive nuisances to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

§ 89-4. Effect on other provisions.

This chapter shall replace and supersede any prior existing junkyard ordinance of the Town of Champlain.

ARTICLE II
Definitions

§ 89-5. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning ascribed to them in this article.

ENFORCEMENT OFFICER — Any person appointed by the Town Board to represent them in particular matters pertaining to this chapter.

GREENSPACE — A vegetated area without driveways, parking lots, vehicles, structures, or materials, and which is not used as a storage area.

JUNK —

A. Wastepaper, or rags, or metal, or glass, or wood products, machinery, or bagged material or appliances (including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions), or equipment, or pieces of indoor furniture (including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers), or vehicles, or parts thereof, or any combination of the above, with the following exceptions:

   (1) Items collected or stored in a building(s) on the premises which building's access is secured against intrusion;

   (2) Items such as firewood, that are normally stored outside by the general populace of the Town and are solely for domestic use or consumption in the principal dwelling on the premises;

   (3) Items specifically allowed by the zoning law to be kept on the premises of an operating business concern in a business or industrial district, or on an operating farm in an agricultural district; or

   (4) New or used building materials for the construction, renovation or repair of a building on the premises during the time that a building is in effect or such earlier time as a certificate of occupancy or certificate of compliance is issued.

B. Any unhoused motor vehicle that is either unlicensed, unregistered or uninspected; or any combination thereof with the following exceptions:

   (1) Each such vehicle stored at a licensed motor vehicle repair shop, but only if the vehicle is intended to be repaired there at, and that is so repaired in a period of 60 calendar days or less, after first being placed on the premises.

   (2) Each motor vehicle held for current wholesale or retail sale by a duly licensed motor vehicle auctioneer or seller.

   (3) One unhoused motor vehicle that is either unlicensed, unregistered or uninspected or any combination thereof, is allowed on any premises but only if the following requirements are met:

      (a) Such vehicle shall be covered with a cover manufactured for this purpose.

      (b) The area around the vehicle shall be kept mowed and free of debris.

(c) Such vehicle shall not be parked in the front yard.

JUNK STORAGE AREA — The areas of any parcel of land or water used, or intended to be used, for the placement or storage of junkyard items.

PERSON — Any person, firm partnership, association, corporation, company, or organization of any kind.

ARTICLE III
General Regulations

§ 89-6. Size.

Minimum lot size: 10 acres

§ 89-7. Location.

No junk storage area shall be located within:

A. Five hundred feet of any adjoining property line,

B. Five hundred feet of any public park, church, educational facility, public building or other place of public gathering.

C. Five hundred feet of any stream, lake, pond, wetland or other body of water, or such greater distance as any other law, rule or regulation requires.

D. Five hundred feet from the right-of-way of any public highway.

§ 89-8. Fencing.

There must be erected and maintained a twelve-foot high opaque fence enclosing the entire junkyard and a secured locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others, as long as all other terms of this chapter are otherwise complied with. Where deemed necessary, the Town may require additional buffering materials as needed, such as adequate planting of evergreen trees or shrubbery.

§ 89-9. Burning.

No materials shall be burned in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 215).

§ 89-10. Burying.

No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see NYCRR Part 360).

§ 89-11. Approved junkyard items.

No junkyard items shall be in any junk storage area other than those items specified on a junkyard permit approved by the Town Board pursuant to this chapter.

§ 89-12. Hazardous wastes.

Junkyards must comply with all applicable state and federal laws and regulations pertaining to the storage, handling, and disposal of hazardous or toxic wastes.

§ 89-13. Insurance.

All junkyard owners shall maintain general liability insurance in the amount of at least $200,000, and proof of insurance coverage must be furnished for the junk storage area at the time the license or license renewal is issued by the Town or upon request by the Enforcement Officer.

ARTICLE IV
Junkyard License

§ 89-14. License required.

A. No person shall establish or maintain a junkyard within the Town of Champlain unless a license has first been issued for such junkyard pursuant to this chapter.

B. No person owning, or having any right to, any interest in any real property within the Town of Champlain shall license, rent, lease, or otherwise permit the use of such real property or any part thereof for a junkyard unless a license has first been issued for such junkyard pursuant to this chapter.

C. All license shall be issued for a period of one year, after which time renewal shall be required.

§ 89-15. Temporary license for prior existing junkyard.

A. Any person maintaining a junkyard prior to the effective date of Local Law No. 2 of 2003, that is Dec. 30, 2003, on real property within the Town of Champlain shall apply for a license within 60 days of the adoption of this chapter. If the junk storage area does not meet the requirements of Article III herein, a temporary license shall be granted for a period not to exceed one year, during which time the junk storage are shall be arranged to comply with said requirements. If, at the end of such period, the junk storage area has not been arranged so as to comply with said requirements, such person shall cease and desist from maintaining a junkyard and all junk shall be removed from the premises.

B. Any person who created a junkyard after Dec. 30, 2003, and before the enactment of this chapter must comply with the provisions of Local Law No. 2 of 2003 until his or her license expires.

C. Any person who creates a junkyard after the enactment of this chapter, or whose existing junkyard license expires, must comply with this chapter.

ARTICLE V
Application Procedure

§ 89-16. Application for license.

The applicant for a junkyard license shall obtain application forms from the Town Clerk. The completed forms, along with one copy of the proposed site plan and the appropriate fees, shall be returned to the Town Clerk. The Town Clerk shall submit the application materials to the Town Board.

§ 89-17. Site plan contents.

The site plan shall be drawn to scale indicating all dimensions and show:

A. All existing and proposed structures, including fences;

B. All property lines, including the names of owners of adjacent property;

C. All streams, lakes, wetlands, floodplains, and other water bodies;

D. All wells and sanitary facilities;

E. All roads and casements;

F. All existing and proposed junk storage areas; and

G. All existing and proposed accessways, and parking and loading areas.

§ 89-18. Environmental impact statement.

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act (6 NYCRR 617). If the EAF indicates that the proposed activity may have significant environmental consequences, the Town Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Town Board.

§ 89-19. Application fee.

A nonrefundable application fee of $250 shall accompany all applications, which amount shall include the first year's license fee.

§ 89-20. Public hearing.

The Town Board shall fix a time within 45 days of the date a complete application is received for a public hearing. Notice of the hearing shall be made in the official newspaper at least five days prior to the date thereof. At the hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard permit.

§ 89-21. Town Board action.

Within 45 days of said hearing, the Town Board shall render a decision to approve,

approve with conditions, or to disapprove the application for a junkyard license. The forty-five-day period may be extended by mutual consent of the applicant and the Town Board. All findings of the Town Board shall be entered into the Town Board minutes. The decision of the Town Board shall immediately be filed in the office of the Town Clerk, and the applicant shall be notified of the decision and the reasons for such decision by certified mail within five days of the decision of the Town Board. Upon approval of the site plan and application and payment of all fees and reimbursable costs due the Town, the Town Board shall endorse its approval upon a copy of the final site plan and application.

§ 89-22. Annual license fee.

The annual junkyard license fee shall be $125.

§ 89-23. Issuance of license.

A. If the application is approved by the Town Board, a junkyard license shall be issued by the Town Clerk.

B. If the application is approved with conditions by the Town Board, the Town Clerk shall issue a junkyard license upon notification by the Enforcement Officer that said conditions have been satisfied.

§ 89-24. License renewal.

A junkyard license must be renewed each year.

A. Renewal procedure:

   (1) Applicant submits application for junkyard license omitting the site plan.

   (2) Enforcement Officer conducts an inspection of the property.

   (3) If all requirements of Article III of this chapter are met, the Enforcement Officer is empowered to approve the license renewal. If all requirements of Article III are not met, the Enforcement Officer shall forward the application to the Town Board for action.

§ 89-25. General considerations.

A. Aesthetic considerations. In granting or denying a license, the Town Board shall take the following aesthetic factors into consideration:

   (1) Type of road servicing the junkyard or from which the junkyard can be seen;

   (2) Natural or artificial barriers protecting the junkyard from view; and

   (3) Proximity of the site to established residential or recreational areas or main access routes thereto.

B. Locational considerations. In granting or denying a permit, the Town Board shall take the following locational factors into consideration:

(1) The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering;

(2) Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors or smoke, or other causes;

(3) The proximity of streams, lakes, wetlands, floodplains, groundwater supplies, and public water supplies;

(4) Local drainage patterns;

(5) Long range comprehensive plans for the Town;

(6) Proximity of the site to established residential or recreational areas; and

(7) Availability of other suitable sites for the junkyard.

§ 89-26. Administration and enforcement.

A. Waivers. Where the Town Board finds that due to circumstances of particular case, a waiver of certain requirements, as stated in Article III herein, is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Town Board finds and records in its minutes that:

(1) Granting the waiver would be in keeping with the intent and spirit of this chapter and is in the best interests of the community;

(2) There are special circumstances involved in the particular case, or

(3) The waiver is the minimum necessary to accomplish the purpose.

B. Enforcement Officer.

(1) The Enforcement Officer shall, upon request of the Town Board, make inspections of the premises of any junkyard for which application for a permit has been made, or any other existing junkyard within the Town, and shall report to the Town Board on the conditions of such junkyard.

(2) The Enforcement Officer shall make periodic inspections of the Town to ensure that all existing junkyards have licenses and that the requirements of this chapter are met. Any observed violations shall be reported to the Town Board.

(3) The Enforcement Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior or license issuance or renewal.

C. Revocation of license. The Town Board may revoke a junkyard license upon reasonable cause should the applicant fail to comply with any provision of this chapter. Before a license may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in the official newspaper at least

five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least five days prior to the hearing. At the hearing, the Town Board shall hear the license holder and all persons wishing to be heard on the revocation of the junkyard license. Should the Town Board decide to revoke a license, the reasons for such revocation shall be recorded in the Town Board minutes. The license holder shall be immediately notified of the revocation by certified mail.

D. Penalties.

(1) Any person committing an offense against any provision of this chapter shall, upon conviction, be punished by a fine of not less than $100 nor more than $200 for the first offense and not less than $500 nor more than $1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment for each violation thereof. **[Amended 9-11-2018 by L.L. No. 1-2018]**

(2) In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this chapter.

Chapter 92

MOBILE HOMES

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass, rubbish and weeds — See Ch. 50.

Fire prevention and building construction — See Ch. 76.

Sewers — See Ch. 103.

ARTICLE I
Mobile Home Parks
[Adopted 10-13-1992 by L.L. No. 6-1992]

§ 92-1. Standards; compliance.

A. All mobile home parks shall be located so as to be accessible by a public highway at least 16 feet in pavement width. The site shall be adequately drained and otherwise physically suitable for a mobile home park.

B. Each mobile home park shall be divided and marked off into sites. Each site shall have an area of not less than 7,200 square feet.

C. Each mobile home site shall front on an internal roadway and have a minimum width of 75 feet.

D. Each mobile home shall be located no closer than 40 feet from any other mobile home or permanent building in the mobile home park.

E. Each mobile home or other structure shall be at least 40 feet from all boundaries of the mobile home park.

F. Access roads shall intersect public roads at right angles.

G. Every roadway within a mobile home park shall be designed and constructed to the following minimum standards: sixteen-foot-wide pavement surface with two-foot shoulders on each side, a twelve-inch gravel base and a gravel surface.

H. Every roadway within a mobile home park shall be maintained in such repair that each lot is accessible by emergency vehicles at all times of the year.

I. Turnarounds shall be provided at the end of dead-end roads.

J. Each mobile home lot shall be provided with two off-street parking spaces.

K. Water supply and sewerage disposal shall be designed and constructed in compliance with Clinton County Health Department standards.

L. Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park.

M. Each mobile home shall be enclosed at the bottom with a skirt or enclosure made of nontransparent permanent building material, such as metal, cement or building board. The appearance of the skirt or enclosure shall be in keeping with the appearance of a residential neighborhood.

N. Each mobile home site shall be furnished with a reinforced concrete slab at least four inches thick which extends the full length and width of any mobile home intended to be placed upon it.

O. No more than one mobile home shall be located on any mobile home lot. Every mobile home within a mobile home park shall be located on a mobile home lot or temporarily located in a designated storage area shown on the approved site plan approved for said park.

P. All mobile homes shall be in compliance with standards equal to or more stringent than the United States Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR 3280 (1976), and any amendments or revisions thereto. The sole acceptable means of showing proof of such compliance shall be the presence of a permanent certification label affixed to the mobile home by the manufacturer which shall state that the construction of the mobile home is in compliance with such standards. **[Amended 11-9-1993 by L.L. No. 8-1993]**

Q. All mobile homes shall be at least 12 feet wide.

R. All fuel tanks shall be concealed from public streets to the extent practical.

S. A landscaping plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design. The Planning Board may require that the entire park shall be screened from view of adjacent properties and roadways by planting of shrubbery of an appropriate species.

T. Each park consisting of 10 or more mobile home sites shall have easily accessible and usable open spaces. Such open spaces shall have an area equal to at least 5% of the gross land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

U. Anchors and tie-downs. **[Added 12-14-1993 by L.L. No. 9-1993]**

(1) All mobile homes shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors or tie-downs shall be placed at least at each corner of the foundation or concrete slab.

(2) All mobile homes shall be connected to the slab or foundation using metal chains, cables, straps or brackets approved by the chief Uniform Fire Prevention and Building Code enforcement official, his/her deputy or his/her assistant.

§ 92-2. Penalties for offenses.

A. Any violation of this article shall be deemed an offense and, upon conviction for each and every offense, shall result in a fine of not more than $250 and a term of imprisonment of not more than six months, or both. Each week's continued violation shall constitute a separate offense.

B. Any violation of this article shall, in addition, be subject to the imposition of civil penalties by the Town Board. Such civil penalties shall not exceed $250 for each offense. Each week's continued violation shall constitute a separate offense.

C. Issuance of appearance tickets, or any other type of accusatory instrument authorized by law, shall be permitted.

D. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article, notwithstanding that a penalty or other

punishment for such violation is provided for.

§ 92-3. Enforcement.

This article shall be enforced by the chief Uniform Fire Prevention and Building Code enforcement official, his/her deputy, his/her assistant or by a Town constable. It shall be the duty of the enforcement individual to advise the Town Board of all matters pertaining to the enforcement of this article and to keep all appropriate records and file them in the office of the Town Clerk.

ARTICLE II
Individual Private Sites
[Adopted 10-13-1992 by L.L. No. 7-1992]

§ 92-4. Standards; compliance; exceptions.

A. All mobile homes shall be in compliance with standards equal to or more stringent than the United States Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR 3280 (1976), and any amendments or revisions thereto. The sole acceptable means of showing proof of such compliance shall be the presence of a permanent certification label affixed to the mobile home by the manufacturer which shall state that the construction of the mobile home is in compliance with such standards. **[Amended 11-9-1993 by L.L. No. 7-1993]**

B. All mobile homes shall be at least 12 feet wide.

C. All mobile homes not located in a mobile home park shall be placed on a permanent foundation extending below the frost line, or upon a reinforced concrete slab at least four inches thick which extends the full length and width of the mobile home which is placed upon it.

D. Exception. Such a foundation or slab shall not be required for a mobile home allowed by temporary permit in accordance with § 92-5 of this article. The purpose of such exception shall be to provide temporary living quarters while a residential structure is being constructed. **[Amended 5-21-1993 by L.L. No. 3-1993]**

E. Anchors and tie-downs.

   (1) The mobile home shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors/tie-downs shall be placed at least at each corner of the foundation or concrete slab.

   (2) All mobile homes shall be connected to the slab or foundation using metal chains, cables, straps or brackets approved by the chief Uniform Fire Prevention and Building Code enforcement official, his/her deputy or his/her assistant. **[Added 12-14-1993 by L.L. No. 10-1993]**

F. Each mobile home shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be of nontransparent durable material such as wood, stone, cement block or vinyl and shall not consist of wire mesh, bales of hay or transparent plastic. Such skirting shall be installed within 90 days of occupancy.

G. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance, provided that a permanent concrete slab as required by Subsection C above is placed beneath the full length and width of the larger mobile home.

H. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon a roof, except for a temporary six-month period.

I. All residential units must comply with the Clinton County Water and Sewer Regulations.

§ 92-5. Temporary permits.

Temporary permits may be issued by the Zoning Enforcement Officer, upon approval by the Board of Appeals, for a period not exceeding two years. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed, provided that the Zoning Board of Appeals finds that unique circumstances resulting in unnecessary hardship are involved.

§ 92-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOBILE HOME — A movable or portable unit designed and constructed to be towed on its own chassis, comprised of a frame and wheels. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Modular homes or other dwelling units that are constructed in two or more main sections and transported to and permanently assembled on a site are not considered mobile homes.

MOBILE HOME PARK — Any lot of record upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MODULAR HOME — A prefabricated dwelling unit delivered to the site in two or more structural units and permanently assembled.

§ 92-7. Single-wide mobile homes.

The lot size and dimensional requirements for single-wide mobile homes shall be as follows:

Lot Size and Dimensional Requirements for Single-Wide Mobile Homes

Requirement	Residential, Commercial, Industrial Districts	Residential Small Lot Districts
General requirements		
Minimum lot size (square feet)		
Access onto Route 11	60,000	60,000
Access onto other through highway	40,000	20,000

Lot Size and Dimensional Requirements for Single-Wide Mobile Homes

Requirement	Residential, Commercial, Industrial Districts	Residential Small Lot Districts
Access onto minor residential street	30,000	20,000
Minimum lot width (feet)		
Access onto Route 11	250	250
Access onto other through highway	175	125
Access onto minor residential street	100	100
Minimum highway frontage (feet)	15	15
Minimum front building setback from highway right-of-way (feet)		
Access onto Route 11	60	60
Access onto other through highway	40	40
Access onto minor residential street	30	30
Minimum building setback, each side (feet)	20	15
Minimum building setback, rear (feet)	30	30
Residential accessory structures (such as a garage)		
Minimum building setback		
Front (feet)		
Access onto Route 11	60	60
Access onto other through highway	40	40
Access onto minor residential street	30	30
Sides and rear (feet)	10	10
Frontage on Lake Champlain		
Minimum frontage for each lot	100	100

NOTES:

MINOR RESIDENTIAL STREET — A loop street, short dead-end street or cul-de-sac or other street within a residential subdivision which is neither intended nor designed to serve through traffic. Such streets are commonly constructed by developers to provide access to a specific residential subdivision. Such streets may be either public roads or private roads.

§ 92-8. Penalties for offenses.

A. Any violation of this article shall be deemed an offense and, upon conviction for each and every offense, shall result in a fine of not more than $250 and a term of imprisonment of not more than six months, or both. Each week's continued violation shall constitute a separate offense.

B. Any violation of this article shall, in addition, be subject to the imposition of civil penalties by the Town Board. Such civil penalties shall not exceed $250 for each offense. Each week's continued violation shall constitute a separate offense.

C. Issuance of appearance tickets, or any other type of accusatory instrument authorized by law, shall be permitted.

D. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article, notwithstanding that a penalty or other punishment for such violation is provided for.

§ 92-9. Enforcement.

This article shall be enforced by the chief Uniform Fire Prevention and Building Code enforcement official, his/her deputy, his/her assistant or by a Town constable. It shall be the duty of the enforcement individual to advise the Town Board of all matters pertaining to the enforcement of this article and to keep all appropriate records and file them in the office of the Town Clerk.

Chapter 96

PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Curfew on Use of Parks
[Adopted 6-8-1999 by L.L. No. 3-1999]

§ 96-1. Hours of curfew.

No person shall enter or remain within the limits of the Town of Champlain Recreational Park, located on the Dubois Road, between the hours of 9:00 p.m. in the evening and 7:00 a.m. in the morning on any day of the week.

§ 96-2. Penalties for offenses.

A violation of this article shall be an offense and shall be punishable by a fine not exceeding $50.

Chapter 99

RECORDS, PUBLIC ACCESS TO

[HISTORY: Adopted by the Town Board of the Town of Champlain 4-1-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Town Board meetings — See Ch. 17. **Publication of ordinances — See Ch. 23.**

§ 99-1. Purpose; scope.

A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

B. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law[16] and those which were furnished to the public prior to its enactment.

D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 99-2. Designation of records access officer, powers and duties.

A. The Town Supervisor is responsible for ensuring compliance with the regulations herein and designates the following person and his successors as records access officers: office of the Town Clerk. **[Amended 3-11-1986 by L.L. No. 1-1986]**

B. Records access officers are responsible for ensuring appropriate agency response to public requests for access to records. However, the public shall not be denied access to records through officials who have in the past been authorized to make records or information available.

C. Records access officers shall assure that personnel:

(1) Maintain an up-to-date subject matter list.

(2) Assist the requester in identifying requested records, if necessary.

(3) Upon locating the records, take one of the following actions in accordance with § 99-6B:

(a) Make records promptly available for inspection.

16. Editor's Note: See Article 6 of the Public Officers Law.

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(4) Upon request for copies of records:

(a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 99-10; or

(b) Permit the requester to copy those records.

(5) Upon request, certify that a transcript is a true copy of records copies.

(6) Upon failure to locate records, certify that:

(a) The Town of Champlain is not the legal custodian for such records; or

(b) The records of which the Town of Champlain is a legal custodian, after diligent search, cannot be found.

§ 99-3. Designation of fiscal officer. [Amended 3-11-1986 by L.L. No. 1-1986]

A. The Town Supervisor, and his successors, is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with § 99-66B, for an itemized record setting forth the name, address, title and salary of every officer or employee of the agency.

B. The fiscal officer shall make the payroll items listed above available to any person, including bona fide members of the news media as required under the Freedom of Information Law.

§ 99-4. Location of records. [Amended 3-11-1986 by L.L. No. 1-1986]

Records shall be available for public inspection and copying at the Town Clerk's Office or at the location where they are kept.

§ 99-5. Hours when records are available.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 9:00 a.m. to 5:00 p.m., Monday through Friday.

§ 99-6. Requests for access to records.

A. Where a request for records is required, such request may be oral or in writing. However, written requests shall not be required for records that have been customarily available without written request.

B. Response to requests.

(1) Except under extraordinary circumstances, officials shall respond to a request for records no more than five business days after receipt of the request, whether the request is oral or in writing.

(2) If, because of extraordinary circumstances, more than five business days are

required to respond to a request, receipt of the request shall be acknowledged within five business days after the request is received. The acknowledgment shall state the reason for delay and estimate the date when a reply will be made.

C. A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category conforms to the standard that records be identifiable.

§ 99-7. Current subject matter list to be kept.

A. A current list, by subject matter, of all records produced, filed or first kept or promulgated after September 1, 1974, shall be available for public inspection and copying. The list shall be sufficiently detailed to permit the requester to identify the file category of the records sought.

B. The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semiannual.

§ 99-8. Removal of records.

No records may be removed by the requester from the office where the record is located without the permission of the Town Clerk.

§ 99-9. Denial of access to records; appeals.

A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided promptly, as required in § 99-6B of this chapter, such failure shall also be deemed a denial of access.

C. The following body shall hear appeals for denial of access to records under the Freedom of Information Law: Town Board, Champlain, New York.

D. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:

(1) The date of the appeal.

(2) The date and location of the requests for records.

(3) The records to which the requester was denied access.

(4) Whether the denial of access was in writing or was by failure to provide records promptly as required by § 99-6B.

(5) The name and return address of the requester.

E. The individual or body designated to hear appeals shall inform the requester of its decision, in writing, within 10 business days of receipt of an appeal. **[Amended 3-11-1986 by L.L. No. 1-1986]**

F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 99-10. Fees.

A. There shall be no fee charged for:

(1) Inspection of records.

(2) Search for records.

(3) Any certification pursuant to this chapter.

B. The fee for photocopies not exceeding 8 1/2 inches by 14 inches is up to $0.25 per page.

§ 99-11. Public notice.

A notice containing the job title or name and business address of the records access officers and fiscal officer; the name, job title, business address and telephone number of the appeal person or persons or body; and the location where records can be seen or copied, shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

§ 99-12. Disposal of records. [Added 2-14-1989]

A. The Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

B. Further in accordance with Article 57-A:

(1) Only those records will be disposed of that are described in Records Retentions and Disposition Schedule MU-1 after they have met the minimum retention period described therein.

(2) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

Chapter 103

SEWERS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 76.

Streets and sidewalks — See Ch. 109.

Water — See Ch. 124.

Highway specifications — See Ch. A131.

ARTICLE I
Adoption of Sewer Use Law

[On the 10th day of June 1997, the Town Board of the Town of Champlain enacted L.L. No. 4-1997, which said local law provides for efficient, economic, environmentally safe and legal operation of the Town of Champlain publicly owned treatment works. A copy of the local law is on file in the office of the Town Clerk and is available for examination by the public during regular office hours.]

ARTICLE II
Sewer Use Fees

[Current sewer use fees are on file in the office of the Town Clerk and are available for examination by the public during regular office hours.]

Chapter 104

SEX OFFENDERS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Residency Requirements
[Adopted 7-10-2007 by L.L. No. 2-2007]

§ 104-1. Purpose.

A. The Town Board of the Town of Champlain finds and determines that it is essential to protect the health, safety and welfare of the children of the Town of Champlain.

B. The Town Board of the Town of Champlain further finds and determines that it is in the best interests of the Town of Champlain citizens to establish residency restrictions for sex offenders who have committed criminal sexual offenses against minors.

C. Accordingly, the purpose of this article is to prohibit sex offenders from residing within 1,000 feet of areas that would provide them easy access to potential victims.

§ 104-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SEX OFFENDER — A person who has been convicted of an offense defined in Article 130, 235 or 263 of the New York State Penal Law, or § 225.25, 255.26 or 255.27 of the New York State Penal Law and victim of the offense was a person under the age of 18 at the time of the offense; or is designated as a "level two" or "level three" sex offender pursuant to Subdivision 6 of § 168-l of the New York State Correction Law.

CHILD CARE FACILITY — Any facility or institution primarily used for the care or treatment of person under the age of 18 including, but not limited to, day-care centers licensed, certified or otherwise sanctioned by the State of New York and/or a political subdivision of the State of New York.

RESIDENCE — The place where a person sleeps, which may include more than one location, and may be mobile or transitory.

SCHOOL GROUNDS —

A. Any area in, on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate-junior high, vocational, or high school; or

B. Any area accessible to the public located within 1,000 feet of the real property boundary line comprising any such school. For the purposes of this article, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

§ 104-3. Restrictions.

The residence of a sex offender as herein defined shall not be located within 1,000 feet of the real property comprising a child-care facility or school grounds.

§ 104-4. Exceptions.

A sex offender with a residence within 1,000 feet of the real property comprising a child-care facility or school grounds, does not commit a violation of this article if any of the following apply:

A. The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility.

B. The sex offender has established a residence prior to the effective date of this article, or a child-care facility or school is newly located on or after the effective date of this article.

C. The sex offender is a minor or a ward under a guardianship.

§ 104-5. Penalties for offenses.

A. A violation under this chapter shall be subject, upon conviction for a first offense to a fine of not more than $250 and/or imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each violation shall be deemed a separate offense.

B. Any subsequent violation shall be considered a misdemeanor punishable by a fine of not more than $500 and/or imprisonment for a period not exceeding 30 days, or both such fine and imprisonment. Each day a violation occurs or continues shall be deemed a separate additional offense.

Chapter 107

SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Junk and vehicle storage — See Ch. 89.

ARTICLE I
Dumping
[Adopted 4-10-1990 by L.L. No. 1-1990]

§ 107-1. Intent.

The intent of this article is to regulate, control or prohibit the dumping, storing, placing or incinerating of certain kinds of solid or liquid waste material originating from inside or outside the boundaries of the Town of Champlain or the creating of a dump or dumping ground of such materials within the Town.

§ 107-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DUMP — A place used for the disposal and leaving of solid or liquid waste by the public or by any person.

PERSON — Includes an individual, firm, partnership, corporation, municipality or association of individuals.

SOLID OR LIQUID WASTE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, human sewage, ashes (not including wood or coal ashes from private heating units), incinerator residue, street and building demolition and construction debris, metals, abandoned vehicles (not including duly licensed auto repair establishments or duly licensed junkyards), all commercial, medical or industrial waste and hazardous and toxic wastes as defined by the Department of Environmental Conservation and the Environmental Protection Agency.

§ 107-3. Nonapplicability. [Added 8-14-1990 by L.L. No. 3-1990]

This article is not applicable to those land sites which have been approved by the New York State Department of Environmental Conservation for the spreading of treated sludge from municipal sewerage treatment plants located within the Town of Champlain and which sites are listed in the appropriate permits granted to such municipalities.

§ 107-4. Prohibited acts.

A. The dumping, storing, placing or incineration of any kind of solid or liquid waste material, hazardous or nonhazardous, toxic or nontoxic, within the Town of Champlain which is picked up, brought or transported from inside or outside the Town of Champlain is hereby prohibited.

B. The creation and/or operation of sanitary landfills, dumps, dumping grounds or incinerators within the Town of Champlain for solid or liquid waste coming from inside or outside the boundaries of the Town of Champlain is prohibited.

C. There shall be no prohibition against the normal garbage and refuse collection currently sanctioned by the Town, nor shall there be prohibition against normal farming operations in the Town of Champlain, nor shall there be prohibition against the normal operation of the Town of Champlain, County of Clinton or State of New York Highway Departments, which includes the cutting of road shoulders and the

disposal of such material on private or public lands, provided that the proper permits, if required, are obtained and prior permission for the disposal of such material is granted by the real property owner(s) of record.

§ 107-5. Penalties for offenses. [Amended 9-11-2018 by L.L. No. 4-2018]

Any person committing an offense against any provision of this article shall, upon conviction, be punished by a fine of not less than $100 nor more than $200 for the first offense and not less than $500 nor more than $1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment for each violation thereof.

Chapter 109

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 103.

Subdivision of land — See Ch. 111.

Water — See Ch. 124.

Highway specifications — See Ch. A131.

ARTICLE I
Notification of Defects
[Adopted 5-3-1977 by L.L. No. 1-1977; amended in its entirety 11-10-2008 by L.L. No. 2-2008]

§ 109-1. Written notice required prior to civil action.

No civil actions shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 109-2. Receipt of notices; presentation of Town Board.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within 10 days after the receipt thereof all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this article and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within 10 days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

§ 109-3. Supersession of statute.

This article shall supersede in its application to the Town of Champlain Subdivisions 1 and 3 of § 65-a of the Town Law.

ARTICLE II

Design and Construction of Underground Utility Installations Within Town Rights-of-Way

[Adopted 6-8-1999 by L.L. No. 2-1999]

[A copy of this article is on file in the office of the Town Clerk and is available for examination by the public during regular office hours.]

Chapter 111

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Champlain 3-9-2004 by L.L. No. 1-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 76.

Flood damage prevention — See Ch. 80.

Mobile homes — See Ch. 92.

Streets and sidewalks — See Ch. 109.

Zoning — See Ch. 130.

ARTICLE I
Policy

§ 111-1. Declaration of policy.

A. By the authority of the resolution of the Town Board of the Town of Champlain, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Champlain is authorized and empowered to approve preliminary and final plats of subdivisions, showing lots, blocks or sites, with or without roads or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the Clerk of the County and to approve preliminary plats located within the Town of Champlain.

B. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly and efficient development of the Town. This policy requires, but is not limited to, meeting the following general standards:

(1) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace;

(2) That proper provision shall be made for drainage, water supply, sewage and other needed improvements;

(3) That all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties;

(4) That the proposed roads shall compose a convenient system conforming to the official map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to follow the natural contours of the land, to afford adequate light and air, and to facilitate fire protection and to provide access of fire-fighting equipment to buildings;

(5) That proper provision shall be made for open spaces for parks and playgrounds;

(6) That due consideration be given to the protection and enhancement of the environment; and

(7) That human and community resources be given appropriate weight with social and economic consideration in reaching decisions regarding the subdivision of land.

C. In order that land subdivisions may be made in accordance with this policy, this chapter, which shall be known as, and which may be cited as, the "Town of Champlain Local Law No. 1 of the Year 2004, Town of Champlain Subdivision Regulations," has been adopted by the Planning Board and approved by the Town Board on March 9, 2004.

ARTICLE II
Definitions

§ 111-2. Terms defined.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

APPLICANT — The person(s), corporation, agency, or other legal entity responsible for submitting subdivision applications for review by the Planning Board.

AQUIFER — An underground geologic formation that contains and transmits significant quantities of groundwater.

AREA, LOT — The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

AVERAGE DAILY TRAFFIC — The average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

AVERAGE PEAK-HOUR TRAFFIC — The average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

BASE FLOODPLAIN — See "one-hundred-year flood area."

BUILDING — A structure or dwelling designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television, telephone and other utility communication towers, mobile homes, and modular homes.

CLUSTER HOUSING — Dwellings so situated on a parcel or tract (no less than 20 acres in area) so as to leave a minimum of 50% of the parcel or tract in open space.

COMPREHENSIVE PLAN — The Plan, adopted by the Town Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

CURB CUT — A defined opening to provide vehicular access from a public highway to a lot or property.

DRAINAGE — A system of swales, ditches and culverts, catch basins and piping to convey stormwater runoff to retention areas and stabilized discharge points.

DRIVEWAY — Any road that services no more than three residences.

EASEMENT — An authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

ENVIRONMENTAL IMPACT STATEMENT (EIS) — A document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

EROSION — The wearing away of surface soils by action of wind or water.

FIRE LANE — Access for emergency fire-fighting vehicles.

FRONTAGE — That part of a property bounded by either a public or private road.

FLOOD HAZARD, AREA OF — Land within a community subject to a 1% or greater chance of flooding in any given year. Also commonly referred to as "base floodplain" or "one-hundred-year flood area."

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

LOT — A parcel of land whose boundaries are established by some legal instrument, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

MOBILE HOME — See Chapter 130, Zoning.

MOBILE HOME PARK — See Chapter 130, Zoning.

OFFICIAL MAP — A map established by the Town Board pursuant to § 270 of the Town Law, showing roads, highways, and parks and drainage, both existing and proposed.

ONE-HUNDRED-YEAR FLOOD AREA — Area where there is a 1% or greater chance of flooding in any given year.

PARCEL — See "lot."

PERSON — Any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

PHASED DEVELOPMENT — Development that occurs in defined stages.

PLAT, FINAL — A drawing clearly marked "Final Plat," of a size not greater than 24 inches by 36 inches, scaled no more than 100 feet nor less than 50 feet to the inch, showing the layout of the proposed subdivision, as specified in these regulations, containing in such additional detail all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary has been so approved.

PLAT, PRELIMINARY — A drawing or drawings clearly marked "Preliminary Plat," of a size not greater than 24 inches by 36 inches, scaled no more than 100 feet nor less than 50 feet to the inch, showing the layout of a proposed subdivision, as specified in these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

ROAD — A public or private way, which affords the principal vehicular access to abutting property. Public roads are streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

ROAD, DEAD-END or CUL-DE-SAC — A road or a portion of a road with only one vehicular traffic outlet.

ROAD, MAJOR — A road which serves or is designed to serve heavy flows of traffic

and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

ROAD, MINOR — A road intended to serve primarily as an access to abutting properties.

ROAD PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

ROAD, PRIMARY — Where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (e.g., has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads.

ROAD RIGHT-OF-WAY — An area defined by a boundary, which provides for road construction, maintenance, improvement and/or widening.

ROAD, SECONDARY — Where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (see "road, primary").

ROAD WIDTH — The width of right-of-way, measured at right angles to the center line of the road.

RUNOFF — Surface water that flows onto, within, and/or off of the site area.

SECRETARY — A person designated to perform the duties of the Secretary of the Planning Board for the purposes of these regulations.

SEDIMENT — Soils or other surface materials transported by surface water as a product of erosion.

SEDIMENTATION (SILTATION) — The deposition of sediment and silt in drainageways, watercourses and water bodies which may result in pollution, murkiness, accumulation, and blockage.

SEPARATION DISTANCE — Distance between the two closest points of reference between two facilities, structures, uses or properties (e.g., the distance between an on-site septic system absorption field and a well).

SEPTIC SYSTEM — A sewage disposal system designed and built in compliance with state and county regulations.

SEQR (STATE ENVIRONMENTAL QUALITY REVIEW) — Review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617 (statutory authority: Environmental Conservation Law, § 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

SETBACK — A minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

SIGHT DISTANCE — The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

SILTATION CONTROL — Placement of siltation barriers such as sod, matting, hay bale barriers, or silt fencing or other methods to prevent pollution and blockage of watercourses and water bodies by silt and other sediment.

SKETCH PLAN — A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to reach general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

SKETCH PLAN CONFERENCE — Initial Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the subdivision submission requirements will be prior to submitting the plat.

START OF CONSTRUCTION — The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling, installation of roads, excavation for a basement, footings, foundations or the erection of temporary forms. "Start of construction" also includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

STRUCTURE — Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., excepting outdoor areas such as paved areas and walkways.

SUBDIVIDER — Any person, firm, corporation, partnership or association who or which shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks, or sites, with or without roads or highways, and includes resubdivision.

SUBDIVISION, MAJOR — Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any subdivision requiring any new road or extension of municipal facilities.

SUBDIVISION, MINOR — Any subdivision to create not more than four lots that:

A. Fronts on an existing road;

B. Does not involve any new street or road or the extension of municipal facilities;

C. Does not adversely affect the development of the remainder of the parcel or adjoining property; and

D. Is not in conflict with any provision or portion of the Land Development Plan, Official Map, Site Plan Review Regulations, or Zoning Ordinance, if such exists,[17] or these regulations.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

TOWN ENGINEER — The duly designated engineer of the Town, licensed by the State of New York.

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17. Editor's Note: See Ch. 130, Zoning.

TRACT — An area of land composed of two or more contiguous lots.

WATER BODY — Any natural or man-made body of water, such as a pond, lake, wetland or wet area, which does not necessarily flow in a definite direction, or course.

WATERCOURSE — A channel in which a flow of water occurs either continuously or intermittently.

WATER, GROUNDWATER — The water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

WATER, POTABLE — Water safe for human consumption.

WATERSHED — The area which is a drainage basin for a particular freshwater body.

WATER, SURFACE — Water contained in streams, rivers, ponds, wet areas, lakes and other water bodies and watercourses, or that drains across land.

WETLANDS — Lands and submerged lands, commonly called "marshes," "swamps," "sloughs," "bogs," and "flats," supporting aquatic and/or semiaquatic vegetation, as determined by federal and/or state environmental agencies.

ARTICLE III
General Provisions

§ 111-3. General requirements and design standards.

In considering applications for subdivision of land, the Planning Board shall be guided by the following standards. The said standards shall be considered to be minimum requirements.

A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

B. Conformity to Official Map. Subdivisions shall conform to the Zoning Map of the Town and shall be in harmony with the land development plan, if such exists.

C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications.

§ 111-4. Road layout.

A. Widths, location and construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the master plan, if such exists, and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system. When deemed necessary, the Planning Board may require easements for road rights-of-way (in order to insure accessibility to undeveloped lands) in both minor and major subdivisions. See Appendix B.[18]

B. Arrangement. The arrangement of roads in the subdivision shall provide for the continuation of principal roads of adjoining subdivisions, and for proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor roads. Minor roads shall be curved or otherwise designed such that their use by through traffic will be discouraged.

D. Special treatment along major arterial roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Planning Board may require service access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Provision for future re-subdivision. Where a tract is subdivided into lots

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18. Editor's Note: Appendix B is included at the end of this chapter.

substantially larger than the minimum size required in the zoning district, if such exists, in which a subdivision is located, the Planning Board of Appeals may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations, including provisions for extension of roadways to future developments.

F. Dead-end roads. The creation of dead-end or loop residential roads will be encouraged wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end roads, where needed or desirable, the Board may require the reservation of a twenty-five-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next road. Subdivisions containing 20 lots or more should have at least two road connections with existing public roads, or roads shown on the Official Map, if such exists, or roads on an approved subdivision plat for which a bond has been filed.

G. Walks. Within hamlet areas, curbs and pedestrian walks shall be provided on both sides of major and minor roads.

H. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-five-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved walk be included.

I. Intersections with collector or major arterial roads. Minor or secondary road openings into such roads shall, in general, be at least 500 feet apart.

J. Road jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.

K. Angle of intersection. In general, all roads shall join each other so that for a distance of at least 100 feet, the road is approximately at right angles to the road it joins.

L. Relation to topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged such that as many of the building sites as possible are at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography.

§ 111-5. Road design.

A. Road design. All roads must meet the specifications of existing road, highway and driveway laws, as they exist at the time of dedication. See Appendix B.[19]

B. Improvements. Streets shall be graded and improved in accordance with Town specifications, as they exist at the time of dedication. Storm drainage facilities, water mains, sewers, road lights and signs, road trees, and fire hydrants shall be provided, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be

19. Editor's Note: Appendix B is included at the end of this chapter.

omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. The Highway Superintendent shall approve such grading and improvements as to design and specifications.

(1) Fire hydrants. Spacing and installations of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York. An official from the local fire district shall review the plat design for proper fire-protection facilities.

(2) Road lighting facilities. Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the Planning Board; the appropriate power company; and the Town Engineer.

(3) Utilities in roads. The Planning Board shall, wherever possible, require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Such installation shall be in complete compliance with the requirements of the jurisdictional utility.

(4) Utility easements. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 25 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

(5) Watercourses. When a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent and which also are in compliance with Chapter 80, Flood Damage Prevention. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by Chapter 80, Flood Damage Prevention, and in no case less than 25 feet in width.

§ 111-6. Road names.

A. In general, roads shall have names and not numbers or letters.

B. Names to be substantially different. Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change directions by 90° without a change in road name.

§ 111-7. Lots.

A. Lots to be suitable for building. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance,[20] if one exists, and the dwelling and sanitation law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such an arrangement, depth or otherwise as to encourage the late creation of a second building lot at the front or rear.

B. Side lines. All side lines of lots shall be at right angles to straight road lines and radial to curved lines, unless a waiver from this rule will give a better road or lot plan.

C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each road and provide a desirable building site.

D. Driveway access. Driveway access and grades shall conform to specifications of the Town highway specifications and/or county or state highway specifications.

E. Access from private roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with the Town highway specifications and/or county or state highway specifications.

F. Monuments and lot corner markers. Permanent monuments shall be set at all block and lot corners. Permanent markers, angle points, points of curves in roads and other points shall be shown on the subdivision plat.

§ 111-8. Drainage improvements.

A. Removal of spring and surface water. The subdivider may be required by the Planning Board to comply with all New York State Department of Environmental Conservation Laws and/or regulations concerning spring or surface water that may exist either prior to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and will comply with Chapter 80, Flood Damage Prevention.

B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Planning Board shall approve the design and size of facility based on the standards of the New York State Department of Environmental Conservation, Chapter 80, Flood Damage Prevention, and under conditions of total potential development permitted by Chapter 130, Zoning, in the watershed.

C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; the Planning Board shall review this study. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility based on the standards of the New York State Department of Environmental Conservation and Chapter 80, Flood Damage Prevention, the Planning Board shall not approve the subdivision

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20. Editor's Note: See Ch. 130, Zoning.

until provision has been made for the improvement of said condition.

D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses that shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

§ 111-9. Reservation of park lands.

Reservation of parkland on subdivision plats containing residential units:

A. Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such Board, a park or parks suitably located for play ground or other recreational purposes.

B. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such finding shall include an evaluation of the present and anticipated future needs for park and recreational facilities in Town based on projected population growth to which the particular subdivision plat will contribute.

C. In the event the Planning Board makes a finding pursuant to Subsection B of this section that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat, which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

§ 111-10. Reserve strips prohibited.

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

§ 111-11. Preservation of natural features.

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic spots, vistas and similar irreplaceable assets.

ARTICLE IV
Subdivision Application

§ 111-12. Procedure in filing subdivision applications.

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner or his duly authorized agent shall apply in writing for approval of such proposed subdivision, and approval must be obtained in accordance with the following procedures.

§ 111-13. Submission of sketch plan.

A. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 10 days prior to the regular meeting of the Planning Board, five copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of these regulations for the purposes of classification of the subdivision and preliminary discussion of the application.

B. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at scale preferably not less than 400 feet to the inch to enable the entire tract to be shown on one sheet.

C. All proposed lots shall conform to the dimensions required by Chapter 130, Zoning.

D. This plan must be submitted on a sheet of paper no smaller than 8.5 inches by 11 inches.

E. The sketch plan to be submitted must show the following information:

(1) A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks and other public lands, local hamlets, and special districts, including school, fire, agricultural, etc.

(2) All existing structures, existing property lines, wooded areas, streams or watercourses, and other significant physical features within the area to be subdivided and within 500 feet thereof.

(3) The kind of development proposed; i.e., residential, commercial, etc.

(4) The proposed pattern and approximate dimensions and areas of lots (including lot width and depth), building sites, systems of drainage, within the subdivided area, scale, North arrow, acreage involved, and location of wells and septic systems.

§ 111-14. Sketch plan meeting.

A. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for road improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

B. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

C. Upon acceptance of the sketch plan, the Planning Board will determine whether it is a "minor" or "major" subdivision as defined in these regulations. The Planning Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

D. All costs for outside expertise deemed necessary by the Planning Board, such as engineering studies or archeological surveys, for either a minor or a major subdivision, shall be borne by the applicant.

E. Within six months after classification of the sketch plan, the subdivider shall submit an application for approval of a minor or major subdivision preliminary plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board.

§ 111-15. State environmental quality review.

A. Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. Receipt of a complete application and preliminary plat. An application and preliminary plat, or final plat where a preliminary plat is not required, shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement (EIS) has been filed in accordance with the provisions of the State Environmental Quality Review Act.

ARTICLE V
Minor Subdivision Requirements

§ 111-16. Approval of minor subdivision.

Within six months of the classification of the subdivision as "minor," the subdivider shall submit an application together with five copies of a preliminary plat to the Secretary. The plat shall conform to the general layout shown on the sketch plan and shall incorporate recommendations made by the Planning Board as a result of the discussion at the sketch plan meeting. Said application shall also conform to the requirements of the Town Law and these regulations. The required fee shall accompany all applications for plat approval.

§ 111-17. Preliminary minor subdivision plat.

The following documents shall be submitted with the application:

A. A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat."

B. A copy of landowners' deed or deeds.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, or a statement by the owner that no such restrictions exist.

§ 111-18. Field survey.

A. Survey requirements.

(1) An actual field survey of the boundary lines of all the lots, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.

(2) The survey also will include topographical lines of not greater than twenty-foot increments in elevation.

(3) The survey shall also include the location of any existing easements, buildings, watercourses, marshes, rock outcrops, springs, sinkholes, wooded areas, and other significant existing physical features in the proposed subdivision.

(4) The corners of each lot shall be marked by monuments and shall be referenced and shown on the plat. The corner monuments to be:

(a) Of concrete with metal reinforcement rod embedded, placed to a depth of 24 inches and protruding to grade level with a minimum diameter or side of four inches; or

(b) Secure, permanent markers such as Feno brand, Polyrock or Surv-Kap Power Grip.

(c) Permanent markers as described in Subsection A(4)(a) and (b) must be embedded at least 24 inches. Installation of monuments must be overseen

and certified by a licensed surveyor.

(5) These subdivision regulations require a survey for all subdivisions for the purpose of meeting the mandate of the Real Property Law, with the understanding that where an application is made to subdivide one small parcel off a large parcel, for example, 10 acres or less from 100 plus acres, the Planning Board may require that only the smaller parcel be platted, if in the opinion of the Planning Board, such action is warranted by the particular circumstances.

B. All on-site sanitation and water supply facilities shall be designed to meet the minimum required by the state and/or Clinton County Department of Public Health laws or regulations. The feasibility data on sanitation facilities including percolation test, water and stormwater drainage, including documentation from on-site investigation provided by Clinton County Department of Health or licensed engineer, shall be noted on the plat and signed by the county/licensed engineer.

C. Proposed subdivision name, name of the Town and county in which it is located.

D. The date, North point, map scale, name and address of record owner and subdivider.

E. The plat to be filed with the Clinton County Clerk shall be printed upon Mylar or similar type material as approved by the Clinton County Clerk. The size of the sheet shall be no larger than 24 inches by 36 inches.

§ 111-19. Subdivider to attend Planning Board meeting.

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to review and discuss the subdivision plat.

§ 111-20. Subdivision plat submission date.

The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by these regulations, has been filed with the Secretary of the Planning Board.

§ 111-21. Consideration of plat.

The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet not subdivided, and the requirements of the Comprehensive Plan, the Official Map, and zoning regulations,[21] if such exist.

§ 111-22. Referral to County Planning and Development Agency.

A. Whenever any proposed subdivision is located within 500 feet of the following: any

21. Editor's Note: See Ch. 130, Zoning.

boundary of any city, village or town; or the boundary of any or existing or proposed county or state park or any other recreation area, or the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law. Then, a copy of the complete application file for preliminary plat approval will be referred to the Clinton County Planning Board for its review and action as required under § 239-m of the General Municipal Law.

B. In the instance of such referral, the Clinton County Planning Board shall have 30 days in which to report its recommendations to the Planning Board. Failure of the County Planning Board to report within 30 days may be construed to be approval by that Board.

C. Extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a referred plat, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.

D. Report of final action. Within 30 days after the final action, the Planning Board shall file a report of the final action it has taken with the County Planning Board. If the Planning Board acts contrary to the recommendation of modification or disapproval of a proposed action, said Board shall set forth the reasons for the contrary action in such a report.

§ 111-23. Agricultural data statement.

A. Any application for subdivisions that would occur on property within an agricultural district containing a farm operation or on property within 500 feet of a farm operation located in an agricultural district shall include an Agricultural Data Statement. The Planning Board shall evaluate and consider the Agricultural Data Statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such Agricultural District.

B. Upon receipt of such application by the Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the Agricultural Data Statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.

C. The Secretary of the Planning Board shall refer all applications requiring an Agricultural Data Statement to the Clinton County Planning Board.

§ 111-24. Highway referral.

In any application for a subdivision that will require access from a state, county, or Town

highway, the Secretary of the Planning Board will forward copies of the preliminary plat to the appropriate agency for review and comment.

§ 111-25. Public hearings.

A. Planning Board as lead agency.

(1) The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

(a) If such Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after receipt of a complete preliminary plat by the Secretary of the Planning Board; or

(b) If such Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within days of filing the notice of completion.

(2) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required such Board shall make its decision within 62 days after the close of the public hearing; or

(b) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following

the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(c) The time in which the Planning Board must take action on such plat may be extended by mutual written consent of the subdivider and the Planning Board.

(d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

B. Planning Board not as lead agency.

(1) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after receipt of a complete preliminary plat by the Secretary of the Planning Board.

(2) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(a) If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on such preliminary plat.

(b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4) The time in which the Planning Board must take action on such plat may be extended by mutual written consent of the subdivider and the Planning Board.

(5) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

§ 111-26. Action on minor subdivision preliminary plat.

A. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

B. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval or conditional approval of the preliminary plat, the plat shall be certified by the Secretary of the Planning Board as having been granted preliminary approval or conditional approval and a copy of the plat and the resolution shall be filed in the office of the Secretary of the Planning Board. A copy of the resolution shall be mailed to the owner. Within five business days from the date of such filing, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

C. Revocation. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

§ 111-27. Approval of final plats.

A. Final plats shall conform to the definition provided in these regulations. Final plats may require further review under the State Environmental Quality Review Act.

B. When a final plat clearly marked "final plat" is submitted which the Planning Board deems to be in substantial agreement with the preliminary plat previously approved, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Secretary of the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

C. When a final plat is submitted which the Planning Board deems to be in substantial agreement with the preliminary plat previously approved, the public hearings as described in § 111-25 of this chapter shall be complied with.

D. Approval and certification of final plats. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Chairperson of the Planning Board as having been granted

conditional or final approval and a copy of such resolution and plat shall be filed with the Town Clerk. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by such duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the Clinton County Clerk with proof of such filing being given to the Secretary of the Planning Board.

E. Approval of plats in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirement imposed by the Planning Board.

§ 111-28. Bonding and final plat submission.

A. Upon receiving conditional approval for a preliminary plat, the subdivider shall post a bond or certified check payable to the Town of Champlain, in the amount specified by the Town Board. Any such bond shall comply with the requirements of the Town Law and/or the Town of Champlain Town Code as the same now exists or may hereafter be amended and shall be satisfactory to the Town Board and Town Attorney as to amount, form, sufficiency, manner of execution and surety. Failure to post bond within 30 days of preliminary plat approval shall void approval of the plat.

B. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances. Upon completion, the subdivider will request the person designated by the Town to inspect the improvements and report to the Planning Board that satisfactory completion of required improvements has been made and bond will be returned to subdivider.

C. Upon failure of the subdivider to complete conditions, the Town shall seize the bond and contract for their completion.

D. The final plat shall be submitted within 90 days of preliminary approval. Within 62 days of receiving the final plat, the Planning Board may authorize the Chairman to sign the plat, provided there have been no changes therein. Any major changes will require an additional public hearing. The approved final plat or a section of such plat shall be filed with the Clinton County Clerk by the subdivider within 62 days of the date of final approval or such approval shall expire.

ARTICLE VI
Major Subdivision Requirements

§ 111-29. Approval of major subdivision.

Within six months of the classification of the subdivision as "major," the subdivider shall submit an application together with five copies of a preliminary plat to the Clerk of the Planning Board. The plat shall conform to the general layout shown on the sketch plan and shall incorporate recommendations made by the Planning Board as a result of the discussions of the sketch plan. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form described herein. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and these regulations. Preliminary plats shall be submitted with appropriate fee.

§ 111-30. Major subdivision preliminary plat.

The following documents shall be submitted with the application:

A. A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat."

B. A copy of landowner's deed or deeds.

C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract, or a statement by the owner that no such restrictions exist.

§ 111-31. Field survey.

A. The preliminary plat for a major subdivision shall be prepared at a scale of not more than 100 feet to the inch. The plat shall include the following information:

   (1) Proposed subdivision name, name of Town and county in which it is located, date, true or magnetic North point, scale, name and address of record owner, subdivider and engineer and/or surveyor, including license number(s) and seal(s).

   (2) The name of all subdivisions immediately adjacent and within 200 feet and the name of the owners of record of all adjacent property, including opposite side of roads or highways.

   (3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning ordinance text applicable to the area to be subdivided.

   (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

   (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing physical features for the proposed subdivision.

(6) Location of existing and proposed wells, septic systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(7) Contours with intervals often 20 feet or less as required by the Planning Board, including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than two feet.

(8) All existing and proposed roads or public ways or places shown on the Official Map or the master plan, if such exists, within the area to be subdivided, including width, location, grades, road profiles and cross sections of all roads or public ways as proposed by the developer.

(9) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

(10) Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line, boundary line, including chord bearing, curve radii and arc length or central angle and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event, should be tied to reference points previously established by a public authority.

(11) The length and bearing of all straight lines, radii, chord bearing, arc and/or central angles of all curves shall be given for each road. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true or magnetic north point.

(12) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

(13) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of discharge.

(14) Plans and cross-sections showing the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains and including the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, catch basins and underground conduits, i.e., telephone, CATV, power, gas, etc.

(15) Preliminary designs of any bridges or culverts, which may be required.

(16) The proposed lot lines with approximate dimensions and area of each lot.

(17) Where topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or

other public highway or public open space shown on the subdivision or the Official Map.

(18) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be marked by monuments of such size and type as provided for in § 111-18A(4) of this chapter.

(19) All on-site sanitation and water supply facilities shall be designed to meet or exceed the minimum of the current state and county laws and/or regulations. The feasibility data on sanitation facilities including percolation test, water and stormwater drainage, including documentation from on-site investigation by the Clinton County Department of Health or a licensed engineer shall be noted on the plat and signed by a duly appointed agent of the county or licensed engineer.

B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system. The part of the subdivider's holding submitted shall be considered in the light of the entire holdings.

§ 111-32. Subdivider to attend Planning Board meeting.

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

§ 111-33. Preliminary plat submission date.

The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by these regulations, has been filed with the Secretary of the Planning Board.

§ 111-34. Consideration of preliminary plat.

The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet not subdivided, and the requirements of the master plan, the Official Map, and zoning regulations, if such exist.

§ 111-35. Referral to County Planning and Development Agency.

A. Whenever any proposed subdivision is located within 500 feet of the following: any boundary of any city, village or town; or the boundary of any or existing or proposed county or state park or any other recreation area; or the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or the existing or proposed right-of-way of any stream or drainage

channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law. Then, a copy of the complete application file for preliminary plat approval will be referred to the Clinton County Planning Board.

B. In the instance of such referral, the Clinton County Planning Board shall have 30 days in which to report its recommendations to the Planning Board. Failure of the County Planning Board to report within 30 days may be construed to be approval by that Agency.

C. Extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a referred plat, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all members thereof.

D. Report of final action. Within 30 days after the final action, the Planning Board shall file a report of the final action it has taken with the County Planning Board. If the Planning Board acts contrary to the recommendation of modification or disapproval of a proposed action, said Board must set forth the reasons for the contrary action in the report to the County Planning Board.

§ 111-36. Agricultural data statement.

A. Any application for subdivisions that would occur on property within an Agricultural District containing a farm operation or on property within 500 feet of a farm operation located in an Agricultural District shall include an agricultural data statement. The Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such Agricultural District.

B. Upon receipt of such application by the Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.

C. The Secretary of the Planning Board shall refer all applications requiring an agricultural data statement to the Clinton County Planning Board.

§ 111-37. Highway referral.

In any application for a subdivision that will require access from a state, county, or Town highway, the Secretary of the Planning Board will forward copies of the preliminary plat to the appropriate agency for review and comment.

§ 111-38. Public hearings.

A. Planning Board as lead agency.

(1) The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

(a) If such Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after receipt of a complete preliminary plat by the Secretary of the Planning Board; or

(b) If the Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

(2) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or

(b) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(4) The time in which the Planning Board must take action on such plat may be extended by mutual written consent of the subdivider and the Planning Board.

(5) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

B. Planning Board not as lead agency.

(1) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after receipt of a complete preliminary plat by the Secretary of the Planning Board.

(2) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(a) If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on such preliminary plat.

(b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

§ 111-39. Action on major subdivision preliminary plat.

A. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted as a guide to the preparation of the final plat, which will be submitted for the approval and for recording upon fulfillment of the requirements of these regulations. Prior to subdivision plat, the Planning Board may require additional changes as a result of subdivision or as a result of new information obtained at the public hearing.

B. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of the preliminary plat, the plat shall be certified by the Chairperson of the Planning Board as having been granted preliminary approval and a copy of the plat and the resolution shall be filed in the office of the Secretary of the Planning Board. A copy of the resolution shall be mailed to the owner. Within five business days from the date of such filing, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the Office of the Town Clerk.

C. Revocation. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

§ 111-40. Approval of final plats.

A. Final plats shall conform to the definition provided in these regulations. Final plats may require further review under the State Environmental Quality Review Act.

B. When a final plat clearly marked "final plat" is submitted which the Planning Board deems to be in substantial agreement with the preliminary plat previously approved, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Secretary of the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

C. When a final plat is submitted which the Planning Board deems to be in substantial agreement with the preliminary plat previously approved, the public hearings as described in § 111-38 of this chapter shall be complied with.

§ 111-41. Final subdivision plat.

A. The final plat for a major subdivision to be filed with the County Clerk shall be printed upon Mylar or similar type material as approved by the Clinton County Clerk. The size of the sheets shall be no larger than 34 inches by 44 inches. The plat shall be drawn at a scale of no more than 100 feet nor less than 50 feet to the inch and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

(1) The surveyor's certificate showing date of completion of survey and making of the map, the name of the subdivision and the original signature of the surveyor must appear on the map. The surveyor stamp or seal must appear on the map(s).

(2) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

B. All offers of cession and covenants governing the maintenance of unceded open

space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

C. Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Chairperson of the Planning Board as conditionally approved and a copy shall be filed in the Town Clerk's office and a copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed or bonded, will authorize the signing of the final plat.

D. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

§ 111-42. Improvements and performance bond.

A. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall complete all improvements (including roads and highways) or follow the procedure set forth in Subsection A(1) below:

(1) In an amount set by the Town Board, the subdivider shall either file with the Town Clerk a certified check to cover the required improvements or the subdivider shall file with the Town Clerk a performance bond to cover the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law as the same now exists or may hereafter be amended and shall be satisfactory to the Town Board and Town Attorney as to amount, form, sufficiency, and manner of execution and surety. A period of one year or such other period as the Planning Board may determine in writing to be appropriate, not to exceed three years, shall be set forth in the bond within which time the required improvements must be completed.

B. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board may, upon approval by a majority of the members of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval of the subdivision and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Planning Board shall issue any authorization under this section in writing.

C. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board, in writing, of the time when he proposes to commence construction of such improvements so that the Town Board may cause review to be made to assure that all Town specifications and requirements shall be

met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. If the Town Board shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, it shall so report to the Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond.

§ 111-43. Filing of approved subdivision plat.

A. Upon completion of the requirements in § 111-42, and above and notation to that effect upon the subdivision plat, the subdivision shall be deemed to have final approval and the plats shall be properly signed by the duly designated officer of the Planning Board and shall be filed by the applicant in the Office of the Clinton County Clerk. Any subdivision plat not so filed or recorded by reasons of the failure of the subdivider to act, within 62 days of the date upon which such plat is approved or considered approved, shall become null and void.

B. No changes, erasures, modifications, or revisions shall be made to any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Planning Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 111-44. Public roads; recreation areas.

A. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space shown on such subdivision plat.

B. When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

§ 111-45. Phasing of major subdivisions.

In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or

final approval of the entire plat, subject to any requirements imposed by the Planning Board.

ARTICLE VII
Penalties

§ 111-46. Penalties for offenses.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of an offense and subject to a fine not exceeding $250 or to imprisonment for a period not less than 10 days, or both such fine and imprisonment. When a violation of this chapter or any provisions herein is continuous, each twenty-four-hour period thereof shall constitute a separate and distinct violation of the provisions of this chapter. This chapter shall not prevent the revocation of any permit issued pursuant thereto. Where the person committing such violation is a partnership, association, corporation, LLC or other similar entity, an officer, partner, agency, manager or managing partner may be considered to be the person for the purpose of this section.

Chapter 113

TAXATION

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 4.

ARTICLE I
Business Investment Tax Exemption
[Adopted 10-5-1976 by L.L. No. 1-1976]

§ 113-1. Exemption disallowed.

As provided in Subdivision 7 of § 485-b of the Real Property Tax Law, the exemption table set forth in Subdivision 2(a) of that section shall be amended so as to allow no real property tax exemption to commercial, business or industrial activities thereunder.

ARTICLE II
Senior Citizens Tax Exemption

[The Town Board of the Town of Champlain has enacted, by local law, a partial real property tax exemption applicable to qualified senior citizens. The current maximum income limit allowable under said exemption and additional regulations are on file in the office of the Town Clerk and available for examination by the public during regular office hours.]

ARTICLE III
Alternative Veterans Tax Exemption
[Adopted 10-14-1997 by L.L. No. 5-1997]

§ 113-2. Purpose.

The purpose of this article is to provide an exemption from real property taxes to all eligible veterans pursuant to the provisions of § 458-a of the Real Property Tax Law.

§ 113-3. Amount of exemption. [Amended 10-9-2001 by L.L. No. 2-2001]

Qualifying residential real property shall be exempt from taxation as follows:

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed $27,000 or the product of $27,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed $18,000 or the product of $18,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.

C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veterans Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed $90,000 or the product of $90,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

ARTICLE IV
Exemptions for Persons with Disabilities
[Adopted 2-8-2000 by L.L. No. 1-2000]

§ 113-4. Authority.

Section 459-c of the Real Property Tax Law authorizes the granting of real property tax exemptions to persons with disabilities and limited incomes subject to the provisions of that section.

§ 113-5. Exemption granted.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as defined in said section, is limited by reason of such disability, shall be exempt from taxation by any municipal corporation in which located to the extent of 50% of the assessed evaluation as provided in said § 459-c.

§ 113-6. Amount of exemption. [Amended 12-12-2000 by L.L. No. 4-2000]

No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds $20,500.

ARTICLE V
Cold War Veterans Exemption
[Adopted 2-12-2008 by L.L. No. 1-2008]

§ 113-7. Exemption granted.

A. Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the Cold War.

B. Section 458-b of the Real Property Tax Law authorizes municipalities to establish maximum exemption amounts.

C. In regard to Cold War veterans who own residential real property within the Town of Champlain, it is the desire of the Town of Champlain Town Board to authorize the Cold War veterans exemption and establish maximum amounts.

D. In accordance with the provisions of § 458-b of the Real Property Tax Law of the State of New York, residential real property owned by veterans who rendered military service to the United States during the Cold War shall be exempt from county taxation.

E. The maximum exemptions allowable from the Town of Champlain County of Clinton Real Property taxation pursuant to § 458-b of the Real Property Tax Law shall be 15% of the property's assessment, not to exceed $12,000 multiplied by the latest final state equalization rate for service during the Cold War and a percentage of the property's assessment equal to 1/2 of any service-connected disability rating, not to exceed $40,000 multiplied by the latest final state equalization rate.

F. Notwithstanding the ten-year limitation imposed by § 458-b of the Real Property Tax Law, a county, city, town, village or school district that has adopted a local law or resolution pursuant to § 485-b of the Real Property Tax Law may adopt a local law or resolution providing that the exemption authorized by this section shall apply to qualifying owners, without regard for such ten-year limitation. **[Added 11-14-2017 by L.L. No. 2-2017]**

ARTICLE VI
Volunteer Firefighters and Ambulance Workers Exemption
[Adopted 11-9-2010 by L.L. No. 4-2010[22]]

§ 113-8. Intent.

The Town Board recognizes the roles of the volunteer firefighters and ambulance workers in securing the safety and well-being of our communities. The Town Board hereby finds that it is in the best interests of the Town of Champlain to encourage volunteerism for said purposes. The New York State Legislature has recently amended the Real Property Tax Law by adding a new Section 466-j to authorize the county to permit enrolled volunteer firefighters and volunteer ambulance workers to be eligible for a real property tax exemption. To that end, by providing the following exemption, it is the intent of the Town Board to so encourage volunteerism for our various fire and ambulance companies.

§ 113-9. Exemption granted; conditions.

A. Real property owned by an individual who has been an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service in the Town of Champlain or such enrolled member who resides in the Town of Champlain shall be exempt from taxation to the extent of 10% of the assessed value of such property for Town purposes, exclusive of special assessments.

B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such Town unless:

   (1) The applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

   (2) The property is the primary residence of the applicant;

   (3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this article; and

   (4) The incorporated volunteer fire company or fire department or incorporated voluntary ambulance service has certified that the applicant has been an enrolled member of such incorporated voluntary fire company, fire department or incorporated voluntary ambulance service for at least five years and remains an active enrolled member.

C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of

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22. Editor's Note: This local law provided an effective date of 1-1-2011.

active service, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state.

D. Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the state board.

E. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

ARTICLE VII
Solar, Wind and Farm Waste Energy Systems
[Adopted 12-27-2017 by L.L. No. 3-2017]

§ 113-10. Legislative intent.

It is the intent of this article to opt out of the exemptions under § 487 of the Real Property Tax Law of the State of New York.

§ 113-11. Authority.

The State of New York has provided for exemptions under Real Property Tax Law § 487 for solar and wind energy systems including micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating systems, and electric energy storage systems.

§ 113-12. Exemption provided.

This article is adopted by the Town of Champlain to opt out of the exemptions provided under Real Property Tax Law § 487 for solar and wind energy systems which now includes micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating systems, and electric energy storage systems.

§ 113-13. Severability.

If any clause, sentence, paragraph, subdivision, or part of this article or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this article or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Chapter 119

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Highway specifications — See Ch. A131.

ARTICLE I
Stop Intersections
[Adopted 3-11-1986; amended 4-10-1990 by L.L. No. 2-1990; 1-12-1993 by L.L. No. 1-1993]

§ 119-1. Intersections designated.

The following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	**Direction of Travel**	**At Intersection of**
Angel Road	North	McBride Road
Banker Road	West	Stetson Road
Booterlane Road	East	Stetson Road
Cardin Road	East	Dubois Road
Cardin Road	West	Creek Road
Choiniere Road	West	Hayford Road
Clark Road	East	Leggett Road
Creek Road	South	Southwick Road
Dubois Road **[Added 12-29-1998 by L.L. No. 4-1998]**	West	Creek Road
Fairbanks Road	North	Route 11
Gamlaw Road	South	Prospect Hill Road
Garceau Road	West	Dubois Road
Glaude Road	West	Dubois Road
Gokey Road	North	Leggett Road
Hayford Road	North	Prospect Hill Road
Lakeland Drive	East	Point au Fer Road
Lakeland Drive	East	Point au Fer Road
Matott Road	West	Ridge Road
Mesec Road **[Added 9-12-1995 by L.L. No. 5-1995]**	East	Dudley Road and Tallman Road
Munson Road	South	McBride Road
Old Street (Old Route 9B)	East	Stetson Road
Rapids Road	South	McCrea Road
Ridge Road	North	McBride Road
Roxham Road	South	North Star Road
Scales Road	West	Point au Fer Road

Stop Sign on	Direction of Travel	At Intersection of
Smith Street	East	Sterling Road
Smith Street	West	Sterling Road
Sterling Road	North	Smith Street
Sterling Road	South	Choiniere Road
Tallman Road	North	Dubois Road
Waters Road	South	Ridge Road

ARTICLE II
All-Night Parking
[Adopted 3-11-1986]

§ 119-2. Parking prohibited during winter months.

No motor vehicle or other vehicle, including snowmobiles, shall be allowed or permitted to park on any Town highway in the Town of Champlain, Clinton County, New York, during the hours from 10:00 p.m. to 7:00 a.m., from November 1 through to April 1 of the next year, to facilitate snow removal on said Town highways and for other Town purposes.

ARTICLE III
Parking on Town Roads
[Adopted 8-8-1989 by L.L. No. 1-1989]

§ 119-3. Definitions and word usage.

The words and phrases used in this article shall have the meanings ascribed to them by Article 1 of the New York State Vehicle and Traffic Law.

§ 119-4. Parking prohibited.

No person shall park a vehicle at any time upon:

A. Either side of the Point au Fer Road, extending from the east bounds of Route 9B easterly to the intersection of the Point au Fer Road with the west terminus of the Scales Road. **[Amended 1-29-1997 by L.L. No. 1-1997]**

B. The west side of the Hayford Road from the north bounds of Robert E. and Elaine M. Manigold (v.499, p.551) north a distance of 200 feet. **[Added 11-8-1994 by L.L. No. 5-1994]**

§ 119-5. Authority to impound vehicles. [Amended 11-8-1994 by L.L. No. 5-1994]

When any vehicle is found unattended on any of said roads where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of a police officer.

§ 119-6. Storage and charges.

After removal of any vehicle as provided herein, the police officer may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage.

§ 119-7. Notice of removal.

It shall be the duty of the police officer to ascertain, to the extent possible, the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem the same. Said police officer shall also without delay report the removal and disposition of any vehicle removed as provided herein to the Town Clerk.

§ 119-8. Penalties for offenses.

Every person convicted of a traffic infraction for a violation of this article shall, for a first conviction thereof, be punished by a fine of not more than $50; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than $100; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than $250.

ARTICLE IV
Parking Near Dry Hydrants
[Adopted 12-12-1989 by L.L. No. 2-1989]

§ 119-9. Definitions and word usage.

The words and phrases used in this article shall have the meanings ascribed to them by Article 1 of the New York State Vehicle and Traffic Law.

§ 119-10. Purpose.

The purpose of this article is to prohibit parking in the vicinity of dry fire hydrants.

§ 119-11. Parking prohibited.

No person shall park a vehicle at any time upon any Town highway within 50 feet of a line drawn perpendicular to the center line of any Town highway and extending from such center line to a dry fire hydrant.

§ 119-12. Authority to impound vehicles.

When any vehicle is found unattended on any Town road where said vehicle violates § 119-11 above, said vehicle may be removed by or under the direction of a police officer.

§ 119-13. Storage and charges.

After removal of any vehicle as provided herein, the police officer may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage.

§ 119-14. Notice of removal.

It shall be the duty of the police officer to ascertain, to the extent possible, the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem the same. Said police officer shall also without delay report the removal and disposition of any vehicle removed as provided herein to the Town Clerk.

§ 119-15. Penalties for offenses.

Every person convicted of a traffic infraction for a violation of this article shall, for a first conviction thereof, be punished by a fine of not more then $50; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than $100; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than $250.

Chapter 124

WATER

[HISTORY: Adopted by the Town Board of the Town of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 80.

Sewers — See Ch. 103.

Streets and sidewalks — See Ch. 109.

ARTICLE I
Water Service
[Adopted 3-14-1995 by L.L. No. 1-1995[23]]

§ 124-1. Definitions.

For the purpose of this chapter, the following definitions are applicable:

APPROVED — Written acceptance by the Town as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use.

CROSS-CONNECTION — Any physical connection through which a water supply could be contaminated.

CURB BOX — The casing that houses the curb valve with provisions for the operating rod.

CURB VALVE or CURB STOP — An approved valve in the service line located in or adjacent to the public right-of-way to control the water supply in the service line (water service valve).

CUSTOMER — A water consumer who has an established account with the Town.

DISTRICT — A water district which is a specific geographical area wherein water is supplied and related costs are accounted, duly established and administered by the Town. This term shall also include improvements created pursuant to Article 12-C of the Town Law.

FIXTURE, PLUMBING — Any installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

OWNER — The person, persons or corporation holding title to the property, as reflected on the real property tax roll of the Town.

POTABLE WATER — Water that is free from impurities, pollutants or contaminants present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the public health service drinking water standards and/or the regulations of the public health authority having jurisdiction.

PUBLIC WATER SUPPLY — A water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities, serving the public.

RECEPTACLE — A vessel or container which receives or into which any liquid substance is received and held (e.g., sink, water closet, bathtub, swimming pool, etc.).

REMOTE READING DEVICE — A weatherproof device mounted to the outside of the customer's premises with a cable connected to a special register head on the water meter in the customer's premises.

SERVICE LINE — That waterline or pipe connected to the curb valve and through which water is available to a customer.

TOWN — The Town of Champlain.

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23. Editor's Note: This ordinance also superseded former Ch. 124, Water, Art. I, Payment of Bills, adopted 10-13-1992 by L.L. No. 5-1992.

TOWN BOARD — The Town Board of the Town of Champlain.

VALVE FOR INTERIOR PIPING — Either angle-, gate- or globe-type.

§ 124-2. General regulations.

A. All water service, of whatsoever kind and nature, shall be rendered by the district, and customers shall be billed for such service by the Town.

B. The Town undertakes to use reasonable care and diligence to provide to users in the respective water districts a continuous supply of water at a reasonable pressure but reserves the right at any time and without notice to shut off the water in any water district main for any purpose. The Town shall not be liable for a deficiency or failure in the supply of water or in the pressure for any cause whatsoever. The Town will give notice of the shutting off of water when time and conditions permit.

C. Permission of the Town must be secured before any water can be turned on, off or tampered with. No person (except for fire-protection purposes) shall open or interfere or draw water from any hydrant without permission of the Town. No person shall molest, tamper with or damage any Town and/or Town water district facility, including but not limited to hydrants, mains, valves, curb boxes, meters, meter seals, service pipes, etc. Any person violating this subsection shall be dealt with according to the Penal Law.

D. The Town makes no warranty nor guarantee of the quality nor quantity of water which will be made available and shall not be liable for such quality nor quantity.

E. It is understood that the water supplied is derived from the Village of Champlain water system and that the Town of Champlain has no control over the village's quality and quantity of water and the Town shall not be liable for such quality nor quantity.

F. All rules and regulations of the Village of Champlain are incorporated by reference herein as same may be applicable to Town water districts.

G. Without the prior written consent of the Town, no water supply other than the Town system may be used.

H. This chapter shall also apply to users of water from a district who may be located outside the boundaries of that district. **[Added 4-9-1996 by L. L. No. 1-1996]**

§ 124-3. Water rates and charges; estimated readings.

A. Water rates are established by the Town Board under separate legislation and may be by resolution.

B. Where authorized personnel of the Town are unable to read a meter during the scheduled period, an estimated bill shall be rendered. The estimated bill shall be at the minimum charge or an average amount based upon previously recorded consumed water in an equivalent period during previous years, whichever is higher.

§ 124-4. Payment of bills.

A. All charges to an account shall be payable to the Town within 30 days of the date of the bill. **[Amended 6-13-1995 by L. L. No. 2-1995]**

(1) An additional one-time charge of 10% of the total unpaid amount for that quarter, if bills are being paid quarterly, or for that month, if bills are being paid monthly, shall be added to the bill if payment has not been received within 30 days of the date of the bill. If bills are being paid quarterly, the 10% charge shall be imposed once upon each quarterly bill for which payment has not been received within 30 days of the date of the bill. If bills are being paid monthly, the 10% charge shall be imposed once upon each monthly bill for which payment has not been received within 30 days of the date of the bill.

(2) If such bills remain unpaid for 45 days or more after the date of the bill, the water service may be discontinued until such time as the bill is paid, and billings thereafter shall be payable monthly rather than quarterly. **[Amended 11-10-1998 by L.L. No. 2-1998[24]]**

B. As required by Article 12, § 198, Subdivision 3-d, of the Town Law, and any amendment thereto, if payment is not received by October 31, all delinquent amounts will be added to the Clinton County tax rolls. Payments for the delinquent amounts after October 31 cannot be accepted. Any such payment to the Town after October 31 will be returned to the customer.

C. Bills are due and payable in full as of the date of billing. Regardless of any understanding or agreement to the contrary between other parties, the owner of the property shall be responsible for payment of the bill. However, by special written arrangement, a bill may be sent to the owner in care of a tenant or lessee for payment, but the owner remains responsible for all unpaid bills. Charges for services to other than property owners are due in full as billed, in accordance with § 124-4A.

D. In the event that water service has been discontinued as provided in Subsection A(3) above, then a reconnection fee must be paid before service is reconnected. The amount of such fee shall be established by the Town Board under separate legislation and may be by resolution. **[Added 4-9-1996 by L. L. No. 1-1996]**

§ 124-5. Meters and remote-reading devices in metered districts. [Added 10-8-1996 by L. L. No. 3-1996[25]]

A. After January 1, 1996, all meters are to be of the remote-reading type. If, for any reason the owner and/or tenant or lessee does not permit the installation of a remote-reading device, there will be an additional charge of $10 each billing period.

B. All water will be supplied by meter measurement. The meters, remote readers and connections will be furnished by the district or Town and remain the property of the district or Town. The consumer shall bear and pay all expenses for initial cost and repairs to meters occasioned by fire, frost, accident or misuse. The consumer shall

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24. Editor's Note: This local law also repealed former Subsection A(2), regarding interest accruing on unpaid balances, and provided for the renumbering of former Subsection A(3) as A(2).

25. Editor's Note: This local law also renumbered former § 124-5, Improper functioning of water meters or remote-reading devices, as § 124-7.

be liable for the loss of a meter for any cause.

C. No person other than the superintendent or employee of the Town shall install, repair, interfere or tamper with any meters, remote-reading devices or dials thereof. If a meter is out of order or fails to properly register the water consumption, it will be changed or repaired and the consumer will be charged according to the consumption during the previous corresponding period.

§ 124-6. Installation of meters and remote-reading devices. [Added 10-8-1996 by L. L. No. 3-1996]

A. Inside building.

(1) Meters installed within buildings shall be installed as close as practicable to the point where the service pipe enters and where adequate protection from freezing and damage will be afforded. The meter shall be so located as to have it readily accessible at all times for service, inspection or repair by the Town. Provision shall be made so as to prevent hot water from reaching the meter by the installation of a swing-type check valve on the house side of the meter.

(2) Valves must be installed on the street side of the meter.

(3) All service lines must have a valve on both sides of the meter.

(4) It is advisable that, when water pressure exceeds 60 pounds pressure, a pressure reducer should be installed on the customer's side of the meter at customer's expense. Hours of water meter installation or removal shall be 8:00 a.m. to 3:30 p.m., Monday through Friday (except holidays). Emergency cases will be handled on a twenty-four-hour basis.

B. Meter pits. Any consumer not having a heated area for the installation of a water meter, such as an unheated basement, crawl space or utility room, shall install a meter pit to one of the following specifications:

(1) Precast concrete with concrete cover and concrete floor, 5.5 feet deep, four feet inside diameter; have a manhole of a minimum diameter of 24 inches; and have drain or sump pump to keep it free of water. The meter pit shall be located at a point approved by the Town, the lid of which shall be flush with the ground level or finished lawn grade. Meter setters approved by the superintendent shall be installed with stop valves on the inlet side and the outlet side of the meter. Provision shall be made to prevent hot water from reaching the meter by the installation of a swing-type check valve on the house side of the meter. All new meters in pits shall be equipped with remote-reading devices and, whenever possible, with the device placed at a convenient location for reading; or

(2) For residential services, a cold-water meter pit as manufactured by Mueller/ McCullough meter set boxes or equal may be used. The pit shall be 15 inches in diameter and of suitable depth to keep the meter 5.5 feet below finished grade. The fittings shall be suitable for connection with the five-eighths-inch and three-fourths-inch size cold-water meter described hereafter. The pit shall also include three-fourths-inch angle valve with lock wing; three-fourths-inch

meter coupling; three-fourths-inch two-hundred-fifty-pounds-per-square-inch polybutylene tubing of suitable length to allow the meter to be brought to the ground surface; three-fourths-inch inlet and outlet; service-line connection couplings for connections to three-fourths-inch copper tubing service lines; insulation pad and cast-iron locking lid clearly marked "Water Meter." All new meter pits shall be equipped with remote-reading devices and, whenever possible, with the device placed at a convenient location for reading.

C. All meters and remote-reading devices shall be readily accessible for inspection, removal or reinstallation between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday (except holidays) by authorized personnel of the Town.

D. All meters and remote-reading devices shall not be concealed unless an easily removable access door or opening is provided for the Town to service the meter and remote receptacle. All costs shall be borne by the customer to provide suitable access to the meter and/or remote-reading device in an exterior area instead of a location within the building. The customer shall pay for the cost to install the meter pit, cover and post to mount the remote receptacle.

E. Water service may be discontinued to any customer or potential customer who denies ready access to the meter or who prohibits the installation of a remote-reading device.

§ 124-7. Improper functioning of water meters or remote-reading devices.

A. In the case of a malfunctioning water meter, which includes a stuck, noisy or leaking meter, the customer shall, with all diligence, give timely notice thereof to the Town.

B. If there is a malfunctioning remote reading device, which includes cut cable and a damaged or removed receptacle, the customer shall, with all diligence, give timely notice thereof to the Town.

C. The costs of all repairs to meters and remote reading devices damaged due to negligence shall be borne by the customer.

§ 124-8. Meter tests. [Added 10-8-1996 by L. L. No. 3-1996]

A. When a meter has been tested upon the written request of the customer and, if so desired by the customer, in his presence, found to be accurate with the American Water Works Association (AWWA) limits for the particular meter, a charge of $25 must be paid by the customer.

B. The Town reserves the right to remove and test any meter, at no cost to the customer, at any time it is deemed necessary by the Town.

C. If the test results do not meet the AWWA accuracy limits, the meter shall be replaced at no charge to the owner and there shall be no charge for the test and the most current water bill shall be adjusted as necessary, either up or down, to compensate for the meter error.

§ 124-9. Meter tampering prohibited. [Added 10-8-1996 by L.L. No. 3-1996[26]]

Meters, remote-reading devices and seals shall not be tampered with or disturbed by any unauthorized person. Tampering with meters, remote-reading devices or seals shall be a violation of § 165.15 of the Penal Law, Theft of services.

§ 124-10. Vacant premises. [Added 10-8-1996 by L.L. No. 3-1996[27]]

A. Customers whose premises are vacant or unoccupied, whether intended for occupancy by owner, tenant or lessee, shall pay a service charge of $10 for removing and $10 for resetting the meter when service discontinuance is requested by the owner.

B. If the meter of any vacant or unoccupied premises is damaged or missing, the owner of the premises at the time of resetting or reported damage or loss to the meter shall be responsible to pay for any repair cost or a replacement meter cost, whichever is necessary as determined by the Town.

§ 124-11. Submetering prohibited. [Added 10-8-1996 by L.L. No. 3-1996]

Submetering or resale of water by customers is prohibited unless specifically approved by the Town.

§ 124-12. Service lines to be separate. [Amended 10-8-1996 by L.L. No. 3-1996[28]]

Not more than one building or facility shall be supplied from the same service line. If the Town shall determine that strict compliance with this section will create practical or technical difficulties or unnecessary hardship, a special permit for more than one building to use the same service line may be granted, provided that the operation, maintenance and control of the service furnished is substantially the same as in all single connections.

§ 124-13. Standards required. [Added 10-8-1996 by L. L. No. 3-1996]

Except as hereinafter provided, service pipes and fittings shall conform to those standards and shall be of whatever size the Town shall determine to be necessary to ensure the proper operation, maintenance, safeguards and control of the service to the customer by the Town.

A. All residential service shall be copper tubing, ASTM 888-70, Type K, or as subsequently modified for seamless copper water tube, with an inside diameter of not less than 3/4 inch nor more than one inch.

B. All other service pipes shall be cement-lined, ductile iron AWWA C-151 or copper tubing, Type K, as above, from the street main to the valve inside the building.

C. All service pipe connections shall be flare, flange, tyton joint, mechanical joint or

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26. Editor's Note: This local law also renumbered former § 124-9, Fees, as § 124-16.

27. Editor's Note: This local law also renumbered former § 124-10, Additions or alterations in pipes; permit required, as § 124-17.

28. Editor's Note: This local law also renumbered former §§ 124-12 through 124-16 as § 124-24.

compression type. No lead or solder joints are allowed.

D. All materials must be of an acceptable quality, free from defects and all work must be executed in a workmanlike manner.

E. All excavations required for the installation of a water service shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with the applicable provisions of AWWA C-600, except as modified by these regulations.

F. After the pipe is laid, it must be inspected by the Town before filling in. As the trench is backfilled, care must be taken not to deposit any stone or rock within 12 inches of the pipe. Stone or rock exceeding 12 inches in diameter shall not be deposited as trench fill. As the trench is filled, the earth must be tightly tamped, on each side of the pipe and over the pipe, so as to secure as near as possible to the original degree of soil compaction.

G. All piping shall have a minimum of 5.5 feet of cover below finished grade.

H. The owner or his representative shall notify the Town 24 hours prior to being ready for an inspection.

§ 124-14. Service line maintenance. [Amended 10-8-1996 by L. L. No. 3-1996]

A. The service line from the curb stop to the meter shall be the responsibility of the customer.

B. When determined by the Town that an emergency exists or in instances in which a customer neglects to provide proper maintenance, the water service line on the customer's side of the curb box shall be repaired by the Town and the owner of the property shall be billed for the cost thereof. An invoice of such repair cost will be prepared and the customer will be billed. The cost shall be subject to the same penalties as provided for in this chapter.

§ 124-15. Connecting service lines to mains. [Amended 10-8-1996 by L. L. No. 3-1996]

A. No person, corporation or business shall make or cause to be made a tap or connection to use water for any purpose without having first obtained permission from the Town. All applications for permission for the introduction of water to any premises or for the extension of any pipe for the conveyance of that water shall be made on forms furnished by the Town for that purpose along with a notarized signature of the owner of the property. The application shall include a statement of all uses for which the water is desired. Payment of the fees as applicable shall be made at the time of filing the application. If required by the Town, the application for the permit shall be supplemented by plans, specifications and other such information deemed pertinent by the Town.

B. All work performed in making a water connection shall be in accordance with all Town local laws, ordinances, resolutions, rules and regulations governing water services, copies of which are available at the Town office.

C. Tapping shall be done only on the days and at the times prescribed by the Town and only by a Town employee, agent or contractor authorized by the Town.

D. All Type K copper pipes shall be connected to the main by an expansion loop. All service pipes shall be at least 5.5 feet deep. The expansion loop shall lay laterally and not extend upward.

E. Service taps shall not be made after November 15 nor until frost is out of the ground. Exceptions may be granted by the Town.

§ 124-16. Fees.

Fees are established by the Town Board under separate legislation and may be by resolution.[29]

§ 124-17. Additions or alterations in pipes; permit required.

A. With the exception of the pipes on the customer's side of the meter, no additions or alterations to any public or private water service line shall be made by any person until application therefor has been made and a permit is issued by the Town.

B. Tapping shall be done by Town. **[Added 10-8-1996 by L.L. No. 3-1996]**

§ 124-18. New connections or extensions. [Added 10-8-1996 by L. L. No. 3-1996]

A. A curb valve shall not be opened except by the Town. The Town will have all new connections inspected after notification that the work has been completed. If found satisfactory, a meter will be installed and water service will be turned on at the curb valve. This subsection shall not apply if the work consists of a simple extension of facilities or additional attachments on the customer's side of the meter and water is currently in use.

B. Extension of distribution mains to supply a new area or to increase the supply to a specified area shall be the responsibility of the customer. The customer shall present the Town with an application for the extension of the existing system or a copy of the building permit application for engineering review. All extensions, including but not limited to subdivisions, must be approved by the Town prior to any application for extension.

C. Any new connection or extension of one inch or less shall be tested for leakage with line pressure.

D. Any new connection or extension greater than one inch shall be tested for its entire length up to the customer's valve within the building according to AWWA Standard C600-82, Section 4, Hydrostatic Testing. Both pressure and leakage tests will be required. The minimum test pressure will be 200 pounds per square inch for a two-hour duration.

§ 124-19. Service line construction and inspection. [Amended 10-8-1996 by L. L. No. 3-1996]

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29. Editor's Note: Water use fees are on file at the office of the Town Clerk.

A. Service lines shall run at right angles to and in a straight line from the Town valve to the building wherever possible. Exceptions may be granted by permission of the Town. All service lines shall have a minimum of five-and-one-half-foot cover from final grade and shall be readily accessible for service, maintenance and repair at all points between the Town valve and the meter. The distance between taps shall not be less than 18 inches.

B. Splicing of service pipes, use of couplings or other means of joining pieces of tubing between Town valves and the main and water service valve or between curb valve and the meter, where less than 60 feet of tubing is required, is prohibited.

C. No service line shall be installed in a driveway, utility or drain trench. No service line shall be installed less than 10 feet from a septic tank, sewer pipe, drainpipe, cesspool or other type of waste disposal system.

D. There shall be no cross-connections between public and private water supply systems, tanks, reservoirs, vats, air-conditioning equipment, underground lawn sprinkler systems, underground piping, swimming pools or similar structures used for purposes other than storage of potable water as provided in this chapter.

E. Customers shall maintain their own building water pipes, service line and fixtures connected therewith, in good repair, protected from frost and freezing (five-and one-half-foot minimum cover for service lines), at their own expense.

F. When cross-connections exist or are deemed necessary, they must be constructed or reconstructed as approved by the Town, to prevent reverse flow from entering the potable water supply, as provided in this chapter. Periodic inspections of all cross-connection devices shall be made as required by the Town.

G. The Town shall maintain the service line from the main up to and including the curb box and curb value for service up to and including one-inch size. Service lines over one inch from the main to the property line shall be the responsibility of the property owner. In case of emergency, the Town may repair or maintain the service on the customer's side of the curb valve at the customer's expense in accordance with this chapter.

H. Water service valves.

(1) Every service line shall have a water service valve located between the property line and curbline of the street. The curb valve shall be provided with a stationary rod-type curb with arch-pattern base, properly set and maintained so that the grade of the cover conforms to these regulations. In cases where the water main is located in the sidewalk area, the valve and curb box shall be located between the sidewalk and the property line.

(2) The Town shall maintain the service line from the main up to and including the curb box and curb valve, where the curb box and/or curb valve are in the right-of-way. In case of emergency, the Town may extend this service beyond the right-of-way at the customer's expense.

(3) All curb valves two inches or less shall be without drains as produced by Mueller Cat. No. H 15209 (3/4 inch, one inch), K15214 (1 1/4 inches, 1 1/2

inches, two inches) or like product of the Ford Meter Box Company, Inc., or equal.

(4) All service valves greater than two inches shall conform to AWWA C509-80, iron body, resilient, bronze mounted, nonrising stem, open left (counterclockwise).

§ 124-20. Joints.

No tee or other fitting shall be permitted on the service pipe between the main and the meter.

§ 124-21. Refusal or discontinuance of service.

A. No water service connection to any customer shall be allowed by the water district, unless the water supply is protected as required by state regulations and this chapter.

B. Water service may be discontinued or restricted by the Town in any water district for any of the following reasons:

(1) For use of water other than as represented in application.

(2) For willful waste of water through improper or imperfect pipes.

(3) For molesting any service line, seal, meter, remote reading device, curb box, curb valve or any other water appliance of the district.

(4) For nonpayment within 45 days from the date due of bills for water or services.

(5) For cross-connecting the public water supply with any other source of supply or with any apparatus which may endanger the quality of the water district supply (discontinued service required for this condition).

(6) For refusal of reasonable access to the property for the purpose of inspecting fixtures or piping.

§ 124-22. Power to delegate.

The Town Board shall have the power to delegate any of the authority granted to the Town Board by this chapter to any Town officer or employee.

§ 124-23. Notification of violations; hearing; penalties for offenses; falsifying information.

A. Notification of violation. Whenever the Town finds that any user has violated or is violating this chapter, the Town may serve upon such person a written notice stating the nature of the violation. Within the period of time stated in such notice, a plan for satisfactory correction thereof shall be submitted to the Town by the user.

B. Show cause hearing.

(1) The Town may order any user to show cause before the Town Board, Town of Champlain, why the proposed enforcement action should not be taken. A

notice shall be served on the user specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The Town Board of the Town of Champlain may itself conduct the hearing and take the evidence or may designate any of its members, any Town officer or the Town Engineer to:

(a) Issue in the name of the Town Board notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(b) Take the evidence.

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board of the Town of Champlain for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken will be under oath and recorded stenographically or by tape recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

C. Civil penalties. Any user who is found to have violated an order of the Town Board or who willfully or negligently failed to comply with any provisions of this chapter and the orders, rules, regulations and permits issued hereunder, shall, upon conviction therefor, be sentenced to pay an amount, fixed by the Court, not exceeding $500 per day for each offense if the user is a corporation and not exceeding $250 per day if the user is not a corporation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

D. Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

§ 124-24. Enforcement.

The Town Board shall have the power to delegate the authority to enforce this chapter to any Town officer or employee.

ARTICLE II
Cross-Connection Control
[Adopted 3-9-2010 by L.L. No. 1-2010]

§ 124-25. Policy.

A. Purpose. The purpose of this article is:

(1) To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

(2) To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures, and industrial process systems.

(3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application. This article shall apply to all premises served by the public potable water system of the Town of Champlain.

C. Policy.

(1) Section 5-1.3 of the New York State Sanitary Code requires the Town of Champlain to protect the Towns' public water supply from contamination resulting from cross-connections. This article will be reasonably interpreted by the Town. It is the Town's responsibility to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

(2) The Town shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Town and consumer are jointly responsible for preventing contamination of the water system.

(3) If, in the judgment of the Town Water Department personnel, cross-connection protection is required through either piping modification or installation of an approved backflow prevention assembly, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at their own expense. Failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

§ 124-26. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIR GAP SEPARATION — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

AUXILIARY WATER SUPPLY — Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW — The flow other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

BACKFLOW PREVENTER — Any double check valve or reduced-pressure principle backflow preventer having resilient seated shutoff valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

CONSUMER — The owner or person to control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT — Protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.

CONTAMINATION — An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION — Any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

A. HAZARD, HEALTH — Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

B. HAZARD, PLUMBING — A plumbing type cross-connection in a consumers potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention assembly.

C. HAZARD, POLLUTIONAL — Actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

D. HAZARD, SYSTEM — An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL PROCESS SYSTEM — Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard

if introduced into a potable water supply.

ISOLATION — Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation or other backflow prevention device on an individual fixture, appurtenance or system.

POLLUTION — The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC WATER SYSTEM — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the New York State Department of Health.

SERVICE CONNECTION — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

TOWN — The Town of Champlain.

§ 124-27. Cross-connections prohibited.

A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist, unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Town, and as required by the laws and regulations of Town, the Clinton County Health Department, and the New York State Department of Health.

B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Town and the Clinton County Health Department and New York State Department of Health.

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed in accordance with the State Building Code regulations and using acceptable plumbing practices considered by the Town as necessary for the protection of health and safety.

§ 124-28. Survey and investigations.

A. The consumer's promises shall be open at all reasonable times to the Town Water Department personnel, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

B. On request by the Town, the consumer shall furnish information on water use

practices within their premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on their premises to determine whether there are actual or potential cross-connections to their water system through which contaminants or pollutants could backflow into their or the public potable water system.

§ 124-29. Type of protection required.

The type of protection required by this article shall depend on the degree of hazard which exists, as follows and shall be designated by the Town.

A. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a health hazard.

B. An approved air gap separation or an approved reduced-pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

C. An approved air gap separation, approved reduced-pressure principle backflow preventer or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

§ 124-30. Where protection is required.

A. An approved backflow prevention assembly will be installed on each service line to a consumer's water system serving premises where, in the judgment of the Town of Champlain, the Clinton County Department of Health and/or the New York State Department of Health, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

B. An approved air gap separation or reduced-pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the Town, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention assembly is required to be installed. This includes but is not limited to the following situations:

(1) Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Town, the Clinton County Health Department and the New York State Department of Health.

(2) Premises having internal cross-connections that are not correctable or intricate plumbing arrangements, which make it impractical to ascertain whether or not cross-connections exist.

(3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to

assure the cross-connections do not exist.

(4) Premises having a repeated history of cross-connections being established or reestablished.

(5) Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(7) Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

C. The types of facilities listed in Appendix B[30] fall into one or more of the categories of premises where an approved air gap separation or reduced-pressure principle backflow prevention assembly is required by the Clinton County Health Department, Town and the New York State Department of Health to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Town the Clinton County Health Department and the New York Department of Health.

§ 124-31. Approved devices.

A. An air gap as defined in § 124-26 and which has been approved by the Town, the Clinton County Health Department and/or the New York State Department of Health.

B. A double check valve assembly or a reduced-pressure principle backflow prevention assembly shall be approved by the Town, Clinton County Health Department and the New York State Department of Health and shall appear on the current "list of approved backflow prevention assemblies" established by the New York Department of Health.

C. Existing backflow prevention assemblies approved by the Town at the time of installation must meet the requirements outlined under Subdivision 5-1.31 of the State Sanitary Code. Testing will be conducted at the user's expense and the results sent to the Town within 30 days. In the event the current assembly does not meet the current standard, it will be replaced within 30 days by the user at their expense and notification of replacement and testing shall be sent to the Town.

§ 124-32. Installation.

A. Backflow prevention assemblies required by this article will be installed at a location and in a manner approved by the Town, Clinton County Health Department and/or the New York State Department of Health and shall be installed at the

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30. Editor's Note: Appendix B is included at the end of this chapter.

expense of the water consumer.

B. Purpose. These guidelines reflect accepted design considerations based on experience in implementing cross-connection control programs and policies set forth by the American Water Works Association, Environmental Protection Agency, USC Foundation for Cross-Connection Control and Hydraulic Research and state and local health departments. Pending revisions to the manual, these guidelines clearly outline what an acceptable design and installation constitutes. They are to be reasonably interpreted and will be updated as new design solutions and technologies are offered.

C. General installation details.

(1) Clearances. All double check valve (DCV) and reduced-pressure zone (RPZ) backflow prevention assemblies are designed for in line service and must be installed to prevent freezing, flooding and mechanical damage with adequate space to facilitate maintenance and testing. Ideally, the installation should not require platforms, ladders or lifts for access. Adequate clearances from floors, ceilings and walls must be provided to access the test cocks and to allow the repair and/or removal of the relief valve and check valves, as follows:

(a) All assemblies shall be installed with a center-line height from 30 inches to 60 inches above the floor. Any installation at a greater height shall be provided with a fixed platform, a portable scaffold or a lift meeting OSHA standards.

(b) All RPZ devices must have an eighteen-inch minimum clearance between the bottom of the relief valve and the floor to prevent submersion and provide access for servicing and relief valve.

(c) A minimum of 12 inches of clear space shall be maintained above the assembly to allow for servicing check valves and for operation of shutoff valves.

(d) A minimum of 30 inches of clear space shall be maintained between the front side of the device and the nearest wall or obstruction.

(e) At least eight inches clearance should be maintained from the back side of the device to the nearest wall or obstruction. This clearance may need to be increased for models that have side-mounted test cocks or relief valves that would be facing the back wall.

(2) Miscellaneous considerations.

(a) All assemblies shall be adequately supported and/or restrained to prevent lateral movement. Pipe hangers, braces, saddles, stanchions, piers, etc., should be used to support the device and should be placed in a manner that will not obstruct the function of or access to the relief valve.

(b) Strainers are recommended prior to each backflow prevention assembly on non-fire-fighting water lines. No strainer is to be used in a fire line without the approval of the Insurance Underwriters or the authority having jurisdiction.

(c) The assembly should be sized hydraulically, taking into account both the volume requirements of the service and the head loss of the assembly. The head loss of the assembly is not necessarily directed proportional to flow. (Refer to the manufacturer's head loss curves.)

(d) Before selection and installation, refer to manufacturer's literature for temperature ranges. All assemblies must be protected from freezing temperatures and if installed where temperatures will reach 100° F. or above, a hot-water-type assembly must be used. Consult manufacturer's specifications for recommendations.

(e) Thermal water expansion and/or water hammer downstream of the assembly can cause excessive pressure. To avoid possible damage to the system and assembly, use water hammer arresters, surge protectors or expansion tanks as appropriate.

(f) All assemblies should be specified and installed with the manufacturer supplied resilient seated shutoff valves integral to the assembly.

(g) Water lines should be thoroughly flushed before installing the assembly. Most test failures on new installations are the result of debris fouling one of the check valves or the relief valve.

(h) All assemblies must be installed horizontally unless they are specifically approved for vertical installation (Ref. NYSDOH Technical Reference PWS-14).

(i) Parallel installations should be considered at those facilities where water service cannot be interrupted. Manifold installations may also be used on any water line larger than 10 inches.

(j) Assemblies shall not be installed in areas containing corrosive, toxic or poisonous fumes or gases which could render the assembly inoperable or pose a safety hazard to personnel.

(k) Because of the inherent design of a reduced-pressure backflow assembly, fluctuating supply pressure on an extremely low flow or static flow condition may cause nuisance dripping and potential fouling of the assembly. While not effective in all cases, the installation of a soft-seated check valve immediately ahead of the RPZ will often hold the pressure constant to the assembly in times of fluctuating supply pressure.

(l) Where the distance between the water meter and the device is greater than 10 feet, all exposed piping should be stenciled "Feed Line to Backflow Preventer — DO NOT TAP" at five-foot intervals.

D. Drainage. Drainage for backflow prevention assemblies shall be provided for all installations of DCV or RPZ to accommodate discharge during testing or draining of the unit and for RPZ relief valve discharges, as follows:

(1) For RPZ devices, drainage capacity shall be sized to accommodate both intermittent discharges and a catastrophic failure of the relief valve. Refer to manufacturer's flow curves to determine maximum discharge rate based on

supply pressure or on site pressure, whichever is greater.

(2) Discharge from relief valves must be readily detectable to maintenance personnel either visually or by means of water level alarms, flow indicator lights, etc.

(3) All drainage from RPZs must be by gravity drains. Sump pumps are not allowed unless they are sized to accommodate the maximum discharge rate and connected to emergency power supplies.

(4) An air gap must be maintained between the RPZ relief valve opening and any discharge piping. The air gap must be at least twice the dimension of the effective opening of the relief valve, but in no case less than one inch.

(5) Manufacturer's air gap fittings may be utilized, provided that they maintain a proper air gap and do not enclose or cover the relief valve. These fittings are only sized to handle intermittent and low flow discharges. Additional drainage capacity may be required to accommodate a catastrophic relief valve failure.

(6) Discharge piping from relief valves shall be terminated a minimum of one inch above any floor drain or other receiving receptacle.

(7) Discharge piping connected to a sanitary sewer shall be trapped and equipped with a backwater check valve.

(8) Discharge piping from pits or other structures must be terminated above grade in an area not subject to flooding (generally one foot above the one-hundred-year flood elevation). The terminal end of the discharge piping must have a rodent screen and may need to be supported by a head wall. Flap valves should also be considered to prevent entry of cold air.

(9) All exterior drains shall be kept free of snow during winter.

E. Pit installations. Primarily due to considerations for access, safety and gravity drainage, it is preferred that backflow prevention devices not be installed in pits. Where pit installations are proposed, however, they shall be designed:

(1) To be watertight with watertight manholes or access doors extending a minimum of six inches above grade and located to allow natural light into the pit during testing/maintenance.

(2) With stairways, ladders or step irons.

(3) For crane access for installing and removing large assemblies.

(4) With adequate horizontal and vertical clearances to allow access to the device.

(5) With a full flow, screened gravity drain terminating above grade for all RPZ installations as detailed in the drainage requirements.

(6) With sump pumps or gravity daylight drains for all DCVA installations.

(7) With floors pitched to drain.

(8) With adequate ground cover to prevent freezing.

(9) With surface grading to divert runoff away from the entrance way.

(10) Semiburied pits for berm installations may be necessary to satisfy gravity drainage requirements.

F. Protective enclosures for above-grade installations. An above-grade installation is generally necessary to provide gravity drainage from RPZ devices. The additional benefits of improved access and enhanced safety are also realized with an above-grade installation. Two companies, Hot Box and Hydrocowl, have designed prefabricated insulated enclosures that provide heat, gravity drainage and removable access panels for servicing and testing. As an alternate, wood frame, fiberglass, steel, masonry or precast concrete structures may be utilized. All enclosures shall be designed:

(1) With a floor elevation that is at least six inches above finished grade.

(2) To provide adequate clearances around the device to access the test cocks, shutoff valves, check valves and relief valve.

(3) With electric heaters or heat trace wire for any water service used year round.

(4) With provisions for natural or artificial light.

(5) With full-flow gravity drains according to the drainage requirements.

(6) With security measures such as locking doors and panels, flow alarms or flow indictor lights, power indicator lights, etc.

G. Installation within a building. Where containment at the property line cannot be achieved or is waived based on extenuating circumstances, installation within a building is often desirable as the unit can be installed in a mechanical room or other area that has heat and light. Access and drainage considerations must also be satisfied and the devices should be located to avoid electrical panels, areas of excessive heat, etc.

(1) Above-grade installations shall be provided with adequate clearances and discharge can be directed to floor or drains or through a sidewall above grade via screened louvers, scuppers, pipe sleeves with flap valves, etc., in accordance with the drainage requirements.

(2) Below-grade or basement installations are acceptable for DCVAs; RPZs are only allowed below grade where one or more of the following conditions can be met:

(a) Where an adequate gravity drainage system is provided to accommodate a relief valve failure.

(b) Where water level alarms are installed to detect flow from the device and alert maintenance or security personnel.

(c) Where sump pumps are sized to accommodate a relief valve failure and are connected to emergency power.

(d) Where the floor area and volume below the device could accommodate

discharge from a relief valve failure. For two-inch and smaller units, 2,000 cubic feet is generally acceptable. For larger units, the time to submerge the device based on the maximum discharge rate and floor area/volume should be no less than eight hours.

(3) In any of the above cases, the property owner must be made aware of the potential for water damage in the event of a discharge.

H. Submission and approval of plans. In accordance with Section 10 of the Cross-Connection Control Manual, the submission of plans and specifications for the installation of backflow prevention assemblies must include the following:

(1) A site plan (to scale or with dimensions) of the facility containing a general location map, name and address of facility, property lines, buildings, the size and location of public water main(s) and all fire and domestic water services, meter pits, yard piping and hydrants, pumper connection(s), interconnections, and the location of the proposed backflow preventer(s).

(2) A plumbing floor plan (plan view) or partial floor plan indicating water services, name and address of facility, water meter layout, proposed backflow preventer(s), booster pump system, floor drain(s) and all nearby objects (examples: electrical panels, boilers, chillers, storage tanks, fire pumps, fire sprinkler risers, etc.). The plan must be drawn to scale or with dimensions indicated from walls and all nearby objects.

(3) A vertical cross section(s) of the proposed installation with elevations from floor, ceiling, outside grade and all nearby objects.

(4) All drawings must include the name and address of the facility, be stamped and signed by the designer and have a clear space for approval stamps.

I. Engineer's report. An engineering report must be included with the plan submittal. The report must describe the project in detail. Items that should be included or described in the report include:

(1) General use of water within the facility;

(2) Size and description of all fire and domestic water services;

(3) Number of floors within the facility;

(4) Actual or estimated maximum flow demand;

(5) Pressures: existing and after the installation of the backflow preventer;

(6) Description of the fire-fighting system: indicate the AWWA Manual M-14 class of sprinkler service;

(7) Description of the existing or proposed booster pump system, answering the following questions:

(a) After the installation of the proposed backflow preventer(s), will the net positive suction head (NPSH) required for the proper operation of the booster pump system be adequate?

(b) After the installation of the backflow preventer(s) in the suction line to the booster pump system, will the booster pump system operate properly at peak demand to deliver adequate pressure to the highest elevation and/or most remote fixture unit or any other operation requiring a certain pressure? Note: The New York State Uniform Fire Prevention and Building Code Part 902.4c requires the minimum pressure at water outlets at all times to be as follows:

[1] Fixture, non-flush valve: 8 psi.

[2] Fixture, flush valve: 15 psi.

(c) Does the booster pump system have a pressure cutoff switch in the suction line? What is the pressure setting of the switch? An existing or proposed cutoff switch must be set at the following setting:

[1] For a cutoff switch where the backflow preventer is located upstream of the booster pump(s), set at 10 psi.

(8) The need for dual backflow preventers. Does the facility need a continuous water supply?

(9) The elevation and location of the one-hundred-year floodplain in relation to the facility. A reduced-pressure zone (RPZ) backflow preventer must generally be installed one foot above the one-hundred-year floodplain elevation.

(10) An inventory of any existing containment devices to include the make, model, size and serial number of the device. Current annual test reports must also be submitted. The degree of hazard for these services must be determined to insure that the device provides the correct protection.

J. Certified testing and completed works approval.

(1) After an approval of plans has been issued and the assembly has been installed, it must be tested by a certified tester. The designer (or water supplier) is then responsible to certify that the installation was done in accordance with approved plans; or describe any changes of submitted as-built plans as appropriate.

(2) The initial test results and certification are then submitted to the water supplier and approving agent for issuance of a completed works approval. DOH Form 1013 has been designed for both the certified test results and the designer's certification of the installation.

(3) After issuance of the completed works approval, the assembly must be tested at least annually by a certified tester with the results reported to the water supplier.

(4) Additionally, the design criteria outlined in the NYSDOH's design supplement to the 1981 Cross-Connection Control Manual should be adhered to in determining the appropriate cross-connection controls and the installation thereof.

§ 124-33. Inspection, maintenance and testing.

A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this article are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often, where inspections indicate a need.

   (1) Air gap separations, double check valve assemblies and reduced-pressure principle assemblies shall be inspected at the time of installation and at least every 12 months thereafter. All testable devices shall be tested initially, at least every 12 months thereafter and at the time of repair.

B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of New York certified backflow prevention assembly tester using New York State approval testing procedures.

C. A copy of all tests and maintenance records must be sent to the Town within 30 days of such test and/or repair.

D. Whenever backflow prevention assemblies required by this article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

E. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

F. Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

   (1) The Town shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein:

      (a) Any backflow prevention assembly required by this article is not installed, tested, and maintained in a manner acceptable to the Town.

      (b) If it is found that, the backflow prevention assembly has been removed or bypassed or if any unprotected cross-connection exists on the premises.

      (c) Failure to install appropriate device.

      (d) Failure to replace/repair any device that is found to have defects.

   (2) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this article to the satisfaction of the Town.

§ 124-34. Penalties for offenses.

The following penalties shall be applicable for a violation of this article:

A. Failure to install the appropriate backflow prevention assembly within the prescribed time frame after the first notice: fine up to $250.

B. Failure to install appropriate backflow preventions assembly within the prescribed time frame after second notice: termination of service and/or fine up to $500.

C. Failure to annually test the backflow preventions assembly: termination of service and/or fine up to $300.

D. Failure to replace or repair a backflow prevention assembly as required backflow: termination of service and/or fine up to $1,000.

§ 124-35. Effective date.

A. All commercial establishments will be inspected to ascertain the need for a backflow prevention assembly. Those facilities that are found to require such assembly must have one installed with 90 days of receiving a written notice that one is required.

B. Those commercial establishments that currently have a backflow prevention assembly must show in writing the date installed and most recent inspection. If a recent inspection report is not available, an inspection must be completed within 30 days of written notification from the Town.

ARTICLE III
Consolidated Water District
[Adopted 1-12-2016 by L.L. No. 1-2016]

§ 124-36. Establishment of rules; definitions.

A. The following rules and regulations are established by the Town Board of the Town of Champlain and every person whose property shall be supplied water automatically accepts said rules and the same shall constitute a part of the contract between such persons and the Town.

B. Definitions used in this article shall be as follows:

CONSUMER — The owner of the subject property being supplied by water in the Town of Champlain, Consolidated Water District.

SUPERINTENDENT OF CONSOLIDATED WATER DISTRICT — That person or entity appointed by the Town Board of the Town of Champlain from time to time as the Superintendent of the Consolidated Water District under this article.

TOWN BOARD — The Town Board of the Town of Champlain.

WATER DISTRICT — As used in this article shall mean Town of Champlain Consolidated Water District.

§ 124-37. Issuance of bills; quarterly collection.

Water bills shall be issued quarterly. Water bills shall be addressed to the tax billing address for the parcel.

§ 124-38. Current water and connection charges.

Water and connection charges may be changed by resolution passed by the Town Board of the Town of Champlain. All obligations of any nature due the water district which remain unpaid as of October 31 of each year shall be charged by the Town as special assessments and collected as the same.

§ 124-39. Permits; request for service.

A. At the time of the passage of this article, the Town of Champlain is allowing additional water service within the Town of Champlain Consolidated Water District on the following terms and conditions:

(1) Taps. A separate tap is to be required for each lot supplied with water. However, the tap is the responsibility of the consumer and all costs will be borne by the consumer. The Superintendent of the Consolidated Water District will only oversee and inspect the tap process. Tapping can only be done by a contractor approved by the Superintendent of the Consolidated Water District.

(2) Cost of installation. All subsequent hook-ups to the Town water system inside or outside the Consolidated Water District from the main to the consumer property line/curb stop will be $500 plus the cost of the inspection by the Superintendent of the Consolidated Water District. The installation and

materials of the service from the main to the consumer is the responsibility of the owner.

(3) Pipe specifications: service laterals. The pipe from the curb stop to the consumer meter will be high-density polyethylene (HDPE) with a pressure rating of 200 PSI. The Superintendent of the Consolidated Water District or the Town Board of the Town of Champlain may revise such pipe specifications.

(4) Laying of service pipes and notification to the Superintendent of Consolidated Water District. Service pipes will be required to be laid not less than 72 inches below the surface of the earth or provide adequate insulation that is an amount equal to required buried depth. This applies to the established grade where it has been fixed. No trench will be backfilled in any manner before a representative of the Superintendent of the Consolidated Water District makes inspection for leaks and clearances.

(5) Trench openings and backfilling. The trench opening by the owner or contractor for tapping on to the service shutoff for the installation of the water line shall be of sufficient size and have the proper safety precaution to accommodate the work to be accomplished. The owner or contractor will make alterations to the opening as instructed by the Superintendent of the Consolidated Water District or his duly appointed representative. The backfilling of the trench will be made by the owner or the contractor. The material used will be sand six inches above and below the pipe. The remainder of the trench will be suitable on-site material, tamped every 12 inches until the trench is backfilled to original grade. Under roadways, sidewalks and driveways, backfill will be crusher run and compaction will be tamped every six inches.

B. The Town Board is authorized to modify any of the above terms and conditions by resolution duly adopted by the Town Board.

C. The above terms and conditions, however, shall not apply to the current construction and installation of improvements within the bounds of the newly created Town of Champlain Water District No. 6. The terms and conditions of which shall be governed by the Town of Champlain Water District No. 6 formation documents and only upon completion of the improvements shall the above terms and conditions apply.

§ 124-40. Maintenance of service pipes.

A. The owner of the property to which water is supplied by a service pipe will be required to maintain in proper working condition, at the owner's own expense, said service pipe from the shut-off to owner's building. Failure to make necessary repairs after due notice, in writing, by the Superintendent of the Consolidated Water District or his duly appointed representative will result in the water being turned off until such time that satisfactory repairs are made.

B. District 6 will be owned and maintained by the Town throughout the term of the Environmental Facilities Corporation Drinking Water State Revolving Fund loan.

§ 124-41. Cost to repair.

A. In the event that the Water District through its Superintendent of the Consolidated Water District or his duly appointed representative shall be required to provide any repairs to any portion of the water pipe or the water supply facilities or structures within the Water District, the cost of said repairs shall be borne by all users within the Water District.

B. District 6 will be owned and maintained by the Town throughout the term of the Environmental Facilities Corporation Drinking Water State Revolving Fund loan.

§ 124-42. Backflow preventers.

A. Where required by the New York State Department of Health Sanitary Code, Part 5, or local ordinance, a backflow preventer of a suitable type that is currently approved by the Health Department must be installed at the expense of the consumer.

B. District 6 will be owned and maintained by the Town throughout the term of the Environmental Facilities Corporation Drinking Water State Revolving Fund loan.

§ 124-43. Cross-connection control.

No consumer is allowed any cross-connection from any other source of water under the rules and regulations, Part 5, of the NYS Department of Health. When such cross-connections are found, the water from the Town water system will be turned off immediately to prevent contamination of the Town water system. The consumer will disconnect the alternate source as required by Part 5 of the rules and regulations.

§ 124-44. Operation of curb stop water shutoff.

No curb stop will be operated by anyone except a representative of the Water District.

§ 124-45. Operation of fire hydrants.

No fire hydrant will be operated by anyone except a representative of the Water District or Fire Department for the purpose of fighting a fire or a planned firefighter training exercise.

§ 124-46. Meters.

A. All water services except those used exclusively for fire purposes shall be metered. Meters shall be obtained from the Superintendent of the Consolidated Water District and all municipal repairs and testing must be made by the Superintendent of the Consolidated Water District or his duly appointed representative.

B. Residential and commercial water meters shall be furnished by the Superintendent of the Consolidated Water District at cost to the consumer and shall be maintained by the Superintendent of Consolidated Water Districts.

C. A meter shall be sized in accordance with the water demand for that user.

D. Each parcel shall have one master meter.

§ 124-47. Testing and repair of meters.

The Superintendent of Consolidated Water District shall conduct periodic tests on all meters so as to maintain the meter in proper working condition. The Water District will pay all costs for routine testing and maintenance. The consumer will pay all repair costs of meters and components broken unless the device is found by the Superintendent of the Consolidated Water District to be faulty. The Water District will have all meters larger than two inches in size routinely tested every four years or as needed.

§ 124-48. Location of meters.

Interior water meters must be placed in an accessible part of the building or basement so that they may be read or removed. When placed in a pit, specifications for such a pit must be obtained from the Superintendent of the Consolidated Water District. Just inside of the basement or pit wall into which the service pipe extends, a shutoff valve must be placed ahead of the meter. On all water meters two inches and larger, a backflow preventer must be installed when connecting equipment or a building which has a potential of backfeeding contaminants into the system as determined under the operation and maintenance specifications. Interior water meters must be in a heated environment to eliminate freezing.

§ 124-49. Breaking of seals.

All water meters, when set, shall be sealed to prevent tampering. No person except an authorized representative of the Consolidated Water District shall break such seals or tamper with said meter.

§ 124-50. Inspections.

Any representative of the Consolidated Water District, upon proper identification, shall have the right to enter any premises where municipal water is being supplied for the purpose of inspecting, installing, removing or reading a meter, plumbing and fixtures of the water service and all work in connection with the service.

§ 124-51. Schedule of charges.

In addition to any and all other fees and charges provided by law, every person who shall be supplied or whose property shall be supplied water by Champlain Water District and all other properties in the district shall pay water rent for the water supplied and be charged on the basis of equivalent dwelling units (EDUs) as set forth in the Addendum annexed hereto[31] and as follows:

A. Inside Champlain Consolidated Water District rates shall be as follows:

(1) Metered services:

(a) Nine dollars/kg of metered water; and

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31. Editor's Note: Said addendum is on file in the Town offices.

(b) Eighty-five dollars quarterly flat rate per equivalent dwelling unit as set forth on the table of equivalent dwelling units as follows.

Table of Equivalent Dwelling Units (EDUs)

Town of Champlain

Consolidated Water District

Description	EDU Assessment
Apartments:	
1-bedroom	0.5
2-bedroom	0.75
3-bedroom	1
Bowling alley, per lane	0.5
Carwash, assuming no recycle tunnel, per car	0.5
Rollover, per car	0.25
Handwash, per 5-minute cycle	0.1
Church	1
Factories, per employee	0.1
Farms, per head	0.1
Food service:	
Restaurant, per seat	0.25
Tavern, minimal food service, per seat	0.05
Mini mart, per toilet	2.5
Hairdresser/barber, per station, no sink	0.5
Hotel, per sleeping unit	0.5
Laundromats, per machine	1.5
Mobile home	1
Motels:	
Per sleeping unit	0.25
With kitchen	0.50
Office building, per employee	0.1
Veterinary clinic, per employee	0.1
Dentist, per chair	1.5
School, per student	0.5
Service stations, per toilet	2.5
Single-family residence	1
Shopping center, per square foot	0.001

Table of Equivalent Dwelling Units (EDUs)

Town of Champlain

Consolidated Water District

Description	EDU Assessment
U.S. Border station	60
Vacant parcels	0.5

B. The Champlain Consolidated Water District rates and the Table of Equivalent Dwelling Units may be changed by the Town Board by resolution at any time with or without public hearing.

C. Water bills which remain unpaid 30 days after the billing date shall have an additional interest charge of 2% assessed each month thereafter on the balance due. Bills that remain unpaid as of October 31 of each year will be charged by the Town as special assessments and collected as same.

D. Any property owner requesting that the water be either turned on or off at the curb stop shall pay a fee of $25 for each request.

E. The Town Board is hereby authorized to terminate water service to any user of said service who has not paid all lawful charges within 60 days from the date due.

(1) Notices. Water users who have failed or neglected to pay for charges incurred in the provision of water shall be served with a notice prior to termination of the service containing the following:

(a) Address of the premises;

(b) A statement of the amount due for water service provided;

(c) A statement that service may be terminated on a specified date;

(d) A statement that the costs of provision of water will be assessed against the land or improvements on the particular tax parcel which has benefited from the water service.

F. Service of notice of termination. The above notice shall be served by mailing said notice by first class mail to the owner of the property, at his or her address. Service shall be deemed complete upon such mailing.

G. Reconnection charge. If water service is restored to a parcel after being disconnected pursuant to the terms of this article, all unpaid charges, together with any interest and penalties, must be paid before service is restored. In addition thereto, a reconnection charge of $50 shall be imposed for all single or double residential structures. Any and all other users shall pay a reconnection charge equal to one-sixth of the total of the bills of the just prior six months of full service.

§ 124-52. Liability.

In the event of an emergency, including but not limited to breaks in a water main, the

Town shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given.

§ 124-53. Fire prevention services; costs.

Where on-premises fire prevention services are permitted, the entire cost of materials, installation and maintenance of the service from the main to the premises and within the limits of the premises shall be borne by the consumer. The consumer will pay a connection charge as listed. Failure to make proper repairs of the system, after due notice, will result in the water being turned off. When the consumer or a representative of the consumer desires to make flow tests or to make repairs to the fire service system, except in emergencies, the consumer or the representative of the consumer must give the Superintendent of the Consolidated Water District 48 hours' advance notice before commencing such testing or repairs. The connection charges per billing shall be as adopted by the Town Board from time to time:

SCHEDULE

Type of Service	**Fee**
Hydrants on private property	
Inside the District	$5.50
Outside the District	$7.76

Sprinkler System (inches)	
1 1/2 and 2	$5
4	$10
6	$15
8	$20
10	$25

§ 124-54. Abandonment of services.

A. When a building is torn down and the water service is no longer required to the property or properties, the owner of said property is required to excavate at the water main so that the abandoned water line can be disconnected from the water main. The owner is responsible for refilling the excavation.

B. If the Superintendent of the Consolidated Water District or his duly appointed representative shall do the actual disconnection, then the owner will be responsible for any costs associated with disconnection by the Superintendent of Consolidated Water District or his duly appointed representative, and/or if the owner hires a contractor to disconnect, the owner will pay the costs for the Superintendent of Consolidated Water District or his duly appointed representative to inspect the disconnection. Charges that remain unpaid as of October 31 of each year may be charged by the Town as special assessments and collected as same.

C. District 6 will be owned and maintained by the Town throughout the term of the Environmental Facilities Corporation Drinking Water State Revolving Fund loan.

§ 124-55. Estimated use.

If a meter fails to accurately record the amount of water used, the consumer will be charged at the average daily consumption, the average of the last four quarters. The same practice shall be followed in the event that the meter cannot be read.

§ 124-56. Responsibility for water rents.

The owner of any premises which is supplied with water shall be liable for charges of the water used or other expenses in connection with such water service. The water charges shall be billed and collected directly from the property owner and in no case from the tenant.

§ 124-57. Penalties for offenses.

Any persons or person, firm or corporation violating any of the provisions of these rules, regulations and ordinances hereby enacted shall, upon conviction, be fined a minimum of $25 and a maximum of $250 or imprisoned in the county jail for not more than 15 days, or be both so fined and imprisoned, and further, these rules and regulations and ordinances may be enforced by injunction.

§ 124-58. Enlargement of service.

When a property owner or tenant requires more water than the existing water pipe can deliver, it is the responsibility of the property owner to pay the cost of the enlargement of said waterline from the water main to the building. The cost of modification or replacement of the waterline will not be paid by the Water District.

§ 124-59. Repair and maintenance of lines; costs.

No person or contractor will attempt to dig up or repair or replace or modify or disturb in any manner any waterline without giving notice to the Superintendent of Consolidated Water District at least five days prior to attempting such work. All such work shall be performed only during the normal business hours of the Superintendent of the Consolidated Water District unless an emergency situation exists. If and when a representative of the Water District is required to respond to turn off the water due to attempted repairs, either internal or external, the owner requesting the representative to respond will be billed for the actual call out cost to the Consolidated Water District. Charges that remain unpaid as of October 31 of each year may be charged by the Town as special assessments and collected as same.

§ 124-60. Filling of swimming pools.

No swimming pools shall be filled from any hydrant within the water district.

§ 124-61. Water shortage measures.

A. In the event of a major break in a water main or drought condition that deplete the

Town water levels, the Town of Champlain Town Board may order a "conservation of water" declaration. The Town Board will set times for the restriction. The order prohibits the use of water to wash cars, driveways, homes; water gardens, shrubs, flowers; and the filling of pools, etc.

B. The Town may have to issue a "boil water" advisory through the media, which could be caused by a major break, drought, or contamination of the water supply. The "boil water" advisory will stay in effect until such time as the Department of Health, through tests, has declared the water safe to use.

Chapter 130

ZONING

[HISTORY: Adopted by the Town Board of the Town of Champlain 5-25-1994 by L.L. No. 4-1994; amended through 4-8-2014 by L.L. No. 2-2014. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. 54.

Fire prevention and building construction — See Ch. 76.

Flood damage prevention — See Ch. 80.

Junk and vehicle storage — See Ch. 89.

Mobile or manufactured homes — See Ch. 92.

Streets and sidewalks — See Ch. 109.

Subdivision of land — See Ch. 111.

ARTICLE I
General Provisions

§ 130-1. Title.

The title of this chapter is the "Town of Champlain Zoning Law," and shall include this text and the Official Zoning Map.

§ 130-2. Purpose.

The purposes of this chapter are to provide for orderly growth and change within the Town of Champlain, and to provide for the health, safety and general welfare of existing and future residents. Further, this chapter is intended to implement the land use planning recommendations made in the 1993 Town of Champlain Comprehensive Land Use Plan.

§ 130-3. Regulated activities.

A. A zoning permit shall be required for any of the following actions.

(1) Construction of any new building or structure 144 square feet or larger in ground coverage - except swimming pools.

(2) Enlargement of an existing building or structure.

(3) Change in the use of a building or of land.

(4) The placement of permanent signs larger than 10 square feet in area.

(5) The erection of fences more than eight feet in height.

B. The following activities do not require a zoning permit, but must meet the building setbacks and other requirements of this chapter. (See § 130-9 for required setbacks.)

(1) Buildings or structures with less than 144 square feet of ground coverage.

(2) Swimming pools.

(3) (Reserved)

(4) Agricultural structures and uses located on a farm. Residential structures located on farm properties are not considered agricultural structures and shall require a zoning permit.

(5) The placement of permanent signs less than 10 square feet in area, and the placement of temporary signs less than 24 square feet in area. (See § 130-51, Definitions, for definition of "temporary sign.")

(6) The erection of fences less than eight feet in height.

C. The following activities are not regulated by this chapter and do not require a zoning permit:

(1) Interior structural alterations, or routine maintenance and improvement which does not expand the exterior dimensions of a structure.

(2) (Reserved)

(3) Temporary yard sales, porch sales, garage sales and sales of a similar nature which are held less than 30 days per year.

ARTICLE II
Establishment of Zones

§ 130-4. Types of zones.

For the purpose of this chapter, the Town of Champlain is hereby divided into the following zones.

R	Residential
RM	Residential - Manufactured Homes
SL	Small Lot Residential
CON	Conservation
HI	Heavy Industrial
IC1	Industrial/Commercial 1
IC2	Industrial/Commercial 2
IC3	Industrial/Commercial 3
IC4	Industrial/Commercial 4
LI	Light Industrial
C1	Commercial 1
C2	Commercial 2
LC	Lake Area Commercial

§ 130-5. Zoning Map.

Said districts are bounded as shown on the Town of Champlain Zoning Map as last revised November 2013, which, with all explanatory matter, is hereby made part of this chapter. The Zoning Map is on file in the Town offices.

§ 130-6. Interpretation of zone boundaries on Zoning Map.

Boundary lines generally follow road lines, five-hundred- or one-thousand-foot setbacks from highways, property lines, great lot lines, power lines, or railroad beds. Questions concerning the precise location of zone boundary lines shall be resolved by the Zoning Board of Appeals under its powers of interpretation.

§ 130-7. Lots in two or more districts.

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Zoning Board of Appeals, and after public hearing, the provisions of the less-restricted portion of the lot may be extended up to 10 feet into the more-restricted portion. An extension of more than 10 feet shall require a variance or map amendment.

ARTICLE III
Zoning District Regulations

§ 130-8. Permitted use charts.

A. Land uses designated by an "X" on the permitted use charts (see Permitted Use Chart, Residential Zones, and Permitted Use Chart, Commercial and Industrial Uses[32]) are allowed uses within the zone.

B. Land uses designated by an "S" on the permitted use charts are uses allowed by special use permit. The Zoning Board of Appeals, upon a referral from the Planning Board, must review and approve all uses allowed by special use permit before a zoning permit may be issued. See Article VIII in this chapter for procedure.

C. A use shall be deemed prohibited within a zoning district unless it is listed as a permitted use or as a use allowed by special use permit within that district.

§ 130-9. Dimensional requirements for residential and agricultural uses.

Dimensional requirements are as follows:

	IC, LI, C, R, RM and CON Zones	**LC and SL Zones**
A. Single- or two-family dwelling		
Minimum lot size (square feet)		
Access onto Route 11	40,000	N/A
Access onto other through highway	40,000	20,000
With public water or public sewer	20,000	20,000
Access onto minor residential street[1]	40,000	20,000
With public water or public sewer	20,000	20,000
Minimum lot width (feet)		
Access onto Route 11	175	N/A
Access onto other through highway	175	150
With public water or public sewer	125	100
Access onto minor residential street	100	100
Minimum highway frontage (feet)	25	25
Minimum front building setback from highway right-of-way (feet)		
Access onto Route 11	60	N/A
Access onto other through highway	40	40

32. Editor's Note: Said charts are included as attachments to this chapter.

	IC, LI, C, R, RM and CON Zones	LC and SL Zones
Access onto minor residential street[2]	30	30
Minimum building setback, each side (feet)	25	20
With public water and/or sewer	20	30
Minimum building setback, rear (feet)	30	30
See § 130-24 for waterway setbacks		
Maximum coverage by buildings (% of lot)	30%	30%
Minimum open space (% of lot)	50%	50%
Maximum height of structures (feet)[1]	35	35
B. Multifamily dwelling		
Minimum lot size (square feet)		
Access onto Route 11		
First unit	60,000	N/A
Each additional unit	+10,000	N/A
With public water and/or sewer	+5,000	N/A
Access onto other highway		
First unit	40,000	40,000
Each additional unit	+10,000	+10,000
With public water and/or sewer	+5,000	+5,000
Minimum lot width (feet)		
Access onto Route 11	175	N/A
Access onto other highway	175	175
Minimum highway frontage (feet)	50	50
Minimum front building setback from highway right-of-way (feet)		
Access onto Route 11	60	50
Access onto other highway	40	40
Minimum building setback from lot lines (feet)		
Each side	50	50
Rear	50	50
Maximum coverage by buildings (% of lot)	30%	30%
Minimum open space (% of lot)	50%	50%
Maximum height of structures (feet)[1]	35	35

	IC, LI, C, R, RM and CON Zones	LC and SL Zones
Maximum number of units attached together in one building	8	8
C. Accessory structures		
Minimum front building setback from highway right-of-way (feet)		
Access onto Route 11	60	N/A
Access onto other through highway	40	40
Access onto minor residential street[1]	30	30
Minimum building setback, each side and rear (feet)	10	10
D. Agricultural structures (includes farm buildings only, not residences)		
Minimum front, side and rear building setback from lot line (feet)	50	50

NOTES FOR TABLE ABOVE:

[1] See § 130-14 for Height Exceptions.

[2] A "minor residential street" means a loop street, short dead-end or cul-de-sac, or other street within a residential subdivision which is neither intended nor designed to serve through traffic. Such streets are commonly constructed by developers to serve a specific residential subdivision. All dead-end roads, public or private, which are less than one-quarter of a mile long are deemed to be minor residential streets.

§ 130-10. Dimensional requirements for commercial, industrial, trucking, warehousing, and general uses.

Dimensional requirements are as follows:

	Commercial or General Use	Industrial, Trucking, or Warehousing
Minimum lot size (square feet)		
Access onto Route 11	60,000	100,000
Access onto other highway	40,000	100,000
Minimum lot width (feet)		
Access onto Route 11	175	300
Access onto other public highway	175	300
Minimum front building setback from highway right-of-way (feet)		
Access onto Route 11	60	100

	Commercial or General Use	Industrial, Trucking, or Warehousing
Access onto other public highway	40	100
Minimum building setback from lot lines (feet)		
Each side	30	50
Rear	30	30
Maximum coverage by buildings (% of lot)	30%	30%
Minimum open space (% of lot)	50%	50%
Maximum height of structures (feet)[2]	40	40

NOTES FOR TABLE ABOVE:

[1] "General use" means a church, membership club, public facility, essential use/ service, or a nonprofit recreational facility.

[2] See § 130-14 for height exceptions.

§ 130-10.1. Permitted uses within setbacks for commercial, industrial, trucking, warehousing, and general uses.

	Front Yard	Side Yard	Rear Yard
Parking	Permitted	Permitted	Permitted
Storm water management	Permitted	Permitted	Permitted
Storage tanks	Not permitted	Permitted	Permitted
Outdoor storage	Not permitted	Not permitted	Not permitted
Shipping and receiving area	Not permitted	Not permitted	Not permitted
Utilities (antennas, satellite dishes, etc.)	Not permitted	Permitted	Permitted
Loading and unloading area	Not permitted	Not permitted	Not permitted

§ 130-11. through § 130-13. (Reserved)

§ 130-14. Height exceptions.

The height limitations of §§ 130-9 and 130-10 shall apply to all structures except churches, chimneys, flagpoles, farm structures, radio or television antennas, and transmission towers and cables.

§ 130-15. Minimum lake and river frontage.

The minimum lot width measured between the point where the side lines of the lot intersect the mean high water line (as defined by the NYS DEC) of Lake Champlain and

the Great Chazy River shall be 100 feet.

ARTICLE IV
Supplemental Regulations

§ 130-16. Principal buildings per lot.

A. There shall be only one principal building per lot on residential lots, except as provided in Subsection B below. A "principal building" means the building used as dwelling quarters, and does not include accessory structures. Two or more residential units which are attached and share a common wall, such as attached townhouse units or a row-type building, shall be deemed to be a single principal building.

B. Exceptions:

(1) In addition to the principal dwelling, a manufactured home dwelling may be placed on an active farm in any zoning district, provided that it is occupied or intended to be occupied by a person employed in the operation of the farm. The manufactured home must be removed within six months of the date it ceases to be used for such purpose.

(2) Two, but not more than two, single-family dwellings may be permitted on a single lot, provided that the lot size is at least double the required minimum for the zone; dwellings are located at least double the required side yard setback from one another; or buildings are otherwise situated such that were the lot to be split all dimensional requirements of this chapter would be met for each of the two resulting lots; and each dwelling must be served by potable water and have its own separate septic system which shall be approved by the Clinton County Health Department. A copy of said approval shall be provided to the Town of Champlain Codes Enforcement Building Inspector's Office. In order to affirm that the division into two lots which meet all requirements of this chapter will be possible at some future date, the applicant shall submit a plot plan drawn to scale showing existing property lines, all proposed buildings, the location of wells and septic systems, and the location of the future lot split.

(3) More than one residential building per lot is permitted within a cluster development approved as a special permit pursuant to § 130-43 of this chapter.

§ 130-17. Corner lots.

On corner lots, the sides facing both streets shall be considered front yards. On the other sides, one shall be considered a rear yard and the other a side yard at the owner's option.

§ 130-18. Minimum road frontage.

Each new building lot shall be accessible to a public road, or to a private road designed and constructed to Town standards. For purposes of this section, "accessible" shall mean that:

A. The building lot directly fronts upon the road for the minimal width shown below; or

B. A legally sufficient right-of-way easement has been obtained for the minimal width shown below.

	Minimum Road Frontage (feet)
Single-family dwelling	25
Two-family dwelling	25
Multifamily dwelling	50
Nonresidential uses	50

§ 130-19. Manufactured homes not in manufactured home parks.

A. All manufactured homes shall be in compliance with standards equal to or more stringent than the United States Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR 3280 (1976) and any amendments and revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the manufactured home by the manufacturer shall be presumptive evidence that the construction of a manufactured home is in compliance with such standards.

B. All manufactured homes shall be at least 12 feet wide.

C. All manufactured homes not located in a manufactured home park shall meet all requirements of the Uniform Fire Prevention and Building Codes of the State of New York State.

D. Each manufactured home shall be provided with skirting to screen the space between the manufactured home and the ground; such skirting shall be of nontransparent durable material such as wood, stone, cement block, or vinyl, and shall not consist of wire mesh, bales of hay, transparent plastic, or other similar unsuitable material. Such skirting shall be installed within 90 days of occupancy.

E. Any existing mobile or manufactured home may be replaced with a manufactured home of larger size without obtaining a variance provided that the replacement manufactured home complies with all other requirements of this chapter, such as minimum setback requirements.

F. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon a roof.

G. The use of any mobile or manufactured home for purposes other than a single-family residence, or a home occupation conducted within the premises of an occupied mobile or manufactured home dwelling, is prohibited; use as an office building at a construction site for a period not to exceed one year shall be permitted.

§ 130-20. (Reserved)

§ 130-21. Off-road parking.

A. All uses shall be provided with sufficient off-road parking to accommodate all vehicles for customers and employees during peak use periods.

B. An off-road parking space shall not be less than nine feet by 20 feet. Driveway area may be used to supply such space in the case of single-family or two-family residences. Other uses shall provide such space in addition to the driveway area.

C. No nonresidential parking space shall be located within 10 feet of a side lot line.

D. Existing uses must comply with off-road parking requirements if the use changes, or if the use expands its gross floor area by 25% or more, or if the use is discontinued for a period of one year and seeks to be reestablished.

E. In calculating the number of required parking spaces, fractional portions shall be rounded to the nearest whole space.

F. Minimum requirements:

Residential use, except multifamily dwellings for senior citizens	2 spaces per dwelling unit
Multifamily dwellings for senior citizens	1 space per dwelling unit
Professional offices	1 space per 200 square feet of office
Retail stores and service shops	1 space per 200 square feet of retail area
Shopping center	1 space per 250 square feet of gross leasable area
Church, meeting hall, auditorium or other place of public assembly not otherwise classified	1 space per 4 seats or 50 square feet of seating area where fixed seating is not provided
Eating and drinking establishments	1 space per 3 seats or stools
Funeral home	1 space per 4 seats
Motel/hotel or tourist accommodation	1 space per each sleeping room
Industrial use	1 space per employee on largest shift plus visitor parking
Bowling alley	3 spaces per alley
Yacht club or marina	1.5 space per berth, slip, mooring, or other docking space
Motor vehicle repair establishment	1 space per 200 square feet of floor area

For uses not specifically listed, the requirement shall be the same as for the most similar use listed, or as otherwise provided in this chapter.

G. (Reserved)

H. The Zoning Board of Appeals shall have the authority to lower or raise the requirements stated in Subsection F above at the time of special use approval. Requirements may be lowered if the developer can demonstrate the need for fewer parking spaces.

I. Parking areas must be on a paved or other hard surface approved by the Zoning Board of Appeals.

§ 130-22. Off-road loading and unloading.

Business uses shall provide off-road loading and unloading space on the site sufficient for the loading and unloading and/or parking of any trucks which are anticipated to use the site. Loading and unloading areas may not be established within front, side or rear yard setbacks.

§ 130-23. Signs.

A. The following are prohibited:

(1) Moving, flashing, blinking, or animated signs.

(2) Signs over 40 feet in height.

(3) Off-premises advertising signs, meaning any signs primarily intended to advertise an activity not conducted on the premises or a product not available for sale on the premises. (Signs primarily intended to inform travelers as to the location and type of business conducted at a particular location are considered directional signs, and are permitted.)

(4) Off-premises directional signs exceeding four square feet in surface area.

B. Each small business located in a residential zone shall be limited to one sign not to exceed 20 square feet in area. Maximum height of such sign shall be 12 feet above the ground.

C. Each nonresidential use located in a commercial or industrial zone shall be limited to one freestanding sign not to exceed 50 square feet in area, plus any number of signs applied to the face of a building, provided that the total area of any such sign shall not exceed one square foot for each linear foot of building frontage on that side.

D. Each shopping center or other property containing more than one establishment on a lot is permitted; in addition to one suspended sign not exceeding eight square feet in size for each business establishment. Such signs shall be suspended from the freestanding sign.

E. Temporary signs are permitted in all zones, provided that they are 16 square feet or less in size. (See definition of "temporary sign.")

F. Placement of freestanding signs. No sign shall obscure a line of sight for traffic, or otherwise constitute a vehicle or pedestrian traffic hazard. All signs shall be placed at least 20 feet from any side lot line and five feet from the highway right-of-way.

G. The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters. In the case of a freestanding sign with lettering on both the front and back, the areas of both sides of the sign shall not be

added together for purposes of computing the total area of the sign.

H. Each business located in a IC1 or C1 Zone is allowed two freestanding signs. The first freestanding sign will not exceed 100 square feet and the second freestanding sign will not exceed 75 square feet. The freestanding sign will not exceed 40 feet in height.

§ 130-24. Watercourse protection.

This section shall apply to the Great Chazy River, Corbeau Creek, Beaver Creek and Lake Champlain.

A. All structures shall be set back at least 50 feet from the mean high water mark of the stream, river or lake.

B. Within 35 feet of the mean high water mark, not more than 30% of the trees in excess of six inches in diameter at breast height may be removed during any ten-year period.

C. Within six feet of the mean high water mark, no vegetation may be removed except for the provision of a thirty-foot-wide clear area for each lot.

D. The above standards shall not prevent the removal of diseased or rotten vegetation, or vegetation which presents a health or safety hazard.

§ 130-25. Keeping of junk.

The regulations set forth in the Town of Champlain Junk and Vehicle Storage Law shall apply.[33]

§ 130-26. Keeping of animals.

No manure pile may be stored within 100 feet of a property line.

§ 130-27. Fences and hedges.

A. Fences and hedges shall not be constructed to constitute a traffic hazard, and shall not obscure the line of sight for traffic.

B. This section shall not apply to farms as defined herein.

C. This section shall apply to any fence regardless of construction material such that it might obstruct one's vision. That portion of a fence that is constructed forward of the minimum front building setback from the highway right-of-way, as specified in § 130-9 herein, shall be no higher than six feet in height.

D. Fences are structures and require approval from the Zoning Enforcement Officer.

E. Fences must be constructed entirely on the fence owners' property. The adjacent property fence side must be of equal construction, and as equally maintained as the fence owner's side.

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33. Editor's Note: See Ch. 89, Junk and Vehicle Storage.

F. Maximum height of fences shall be eight feet from the ground, except in front yards, where they shall be a maximum of six feet in height.

G. Hedges and tree lines are not to be considered fences.

H. Fences shall be constructed of wood, chain link, woven wire, and/or other standard fencing material. Fences must be maintained so as not to present an unsightly appearance.

§ 130-28. (Reserved)

§ 130-29. Travel trailers located outside travel trailer parks.

A. Storage. No more than two travel trailers may be stored outdoors on any property, except no travel trailer may be stored within a flood zone as established by the Federal Emergency Management Agency (FEMA).

B. A travel trailer may be temporarily inhabited up to 15 days per year on any property,

C. Any travel trailer that is inhabited or used for sleeping or eating quarters must be connected to adequate water, sewer, and electrical facilities. If electrical power is supplied by a generator, the noise from the generator may not exceed 65 decibels at the nearest property line and may not be operated between the hours of 10:00 p.m. and 7:00 a.m..

D. Before a travel trailer can be inhabited on a property for more than 15 days, a permit must be obtained from the Town of Champlain Zoning Officer. The maximum allowed days per permit is 150 consecutive days per year. Only one permit per parcel may be issued in any calendar year. Once such a permit has been issued and expired, the travel trailer must be moved by at least 30 feet from its inhabited location and cannot be inhabited for at least 215 days, after which another one-hundred-fifty-day permit can be applied for.

E. No travel trailer may be parked in any zoning district for a rental purpose.

§ 130-30. Semitrailers, truck boxes, or shipping containers for storage.

A. The use of the trailer section of a semitrailer-type truck, or the box section of a box truck, or a shipping container for the storage of materials is prohibited, except that upon approval by the Town of Champlain Zoning Officer, they may be used for temporary storage of construction equipment and/or materials for a period not to exceed one year.

§ 130-31. Clean fill sites.

A. Permits for clean fill sites shall be issued for a period of one year. Extensions will require renewal by the Town of Champlain Zoning Board of Appeals pursuant to the provisions of Article V herein.

B. All approved clean fill sites are to be capped with an earthen cover within 90 days of completion or the date the permit expires, whichever is earlier.

C. Clean fill sites involving less than 100 cubic yards shall not require special use permits.

§ 130-31.1. Construction and demolition debris sites.

A. The term "construction and demolition debris" shall have the same meaning ascribed to it by the New York State Department of Environmental Conservation.

B. Construction and demolition debris sites must comply with all applicable regulations established by the New York State Department of Environmental Conservation.

C. Construction and demolition debris sites can only accept waste generated within the Town of Champlain (excluding any incorporated villages within the Town). Construction and demolition debris sites are only allowed in certain zoning districts (see the Permitted Use charts in Article III herein).

§ 130-31.2. Tarp structures.

A. Tarp structures shall be considered accessory structures in all zoning districts.

B. Tarp structures shall not be allowed within the front yard setback on any lot.

C. Tarp structures shall comply with all setback requirements for accessory structures.

D. Tarp structures shall not be attached to any other structure nor shall they be modified in any way from their originally manufactured condition.

E. Only one tarp structure shall be allowed per parcel.

ARTICLE V
Standards for Special Uses

§ 130-32. Approval of special use permits. [Amended 10-13-2015 by L.L. No. 2-2015]

All special uses shall require review and approval of a special use permit by the Zoning Board of Appeals before a zoning permit may be issued. A special use is considered to be an allowable use in a district provided that sufficient conditions and safeguards are established to protect the health, safety, and welfare of the public in general, and the residents of the surrounding area in particular. No special use shall be approved unless the following general and specific standards are met.

§ 130-33. General standards for all special uses.

A. Impact upon surrounding properties. The proposed use shall not cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive nighttime lighting, creation of a safety hazard, risk of fire or explosion, decrease in property value, or other adverse condition; nor shall the proposed use significantly impair the future development of surrounding properties.

B. Vehicular access. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations.

C. Emergency vehicle access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.

D. Sight distance at entry and exit.

   (1) To the extent practicable, intersections with and entries onto any public road shall be designed so that minimum safe sight distances and other standards set forth in the latest version of the New York State Department of Transportation "Policy and Standards for Entrances to State Highways" are maintained.

E. Screening.

   (1) The following uses shall be substantially screened from view of preexisting neighboring residential properties at all seasons of the year by vegetation or by fencing of a design and type approved by the Zoning Board of Appeals: industrial uses, trucking, warehousing, retail gasoline sales, motor vehicle repair shops, campgrounds, sand and gravel extractions, junkyard, and any use which in the judgment of the Zoning Board of Appeals may have an adverse visual impact upon neighboring properties.

   (2) Parking and loading areas which may in the judgment of the Zoning Board of Appeals have an adverse visual impact upon neighboring residential properties shall be reasonably screened by vegetation or by fencing at all seasons of the year from the view of such properties.

F. Drainage and erosion control. Adequate provision shall be made for drainage of the site, and to insure that stormwater runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment. All requirements of the latest New York State Department of Environmental Conservation stormwater regulations shall be met.

G. Lighting. Exterior lighting shall not be directed so that it shines onto adjoining residential properties or onto public roads. High-intensity lighting shall be minimized.

H. Utilities and municipal services. Adequate provision shall be made for water supply and sewerage disposal, electrical service, and solid waste disposal. The proposed use shall not create a burden on municipal or county services.

§ 130-34. Development along State Route 11.

A. All access to and from Route 11 must meet the minimum requirements set forth in the latest version of the New York State Department of Transportation "Policy and Standards for Entrances to State Highways."

(1) Design should take into consideration the possibility of shared curb cuts with adjacent properties and the use of parallel service roads in order to minimize the number of curb cuts directly abutting upon Route 11.

(2) The minimum distance between curb cuts on two separate parcels shall meet the minimum requirements set forth in the latest version of the New York State Department of Transportation "Policy and Standards for Entrances to State Highways."

B. Landscaping plan. A landscaping plan is required for all uses that require a special use permit. The Zoning Board of Appeals shall review and approve such plan. Consideration should be given to planting shrubbery and/or trees along property lines, buffer areas, buildings, and around parking and loading areas.

§ 130-35. Retail gasoline outlet.

A. Gasoline and/or fuel pumps shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified herein or the minimum distances required by the New York State Uniform Fire Prevention and Building Code, whichever is more stringent.

B. Property line setbacks for underground or aboveground fuel storage tanks shall be the same as the building setbacks or the minimum distances required by the New York State Uniform Fire Prevention and Building Code, whichever is more stringent.

C. Adequate space shall be provided for safe pull-off, parking, waiting lines and service, so as to prevent any interference with the roadway or shoulder. Gasoline pumps shall be located at least 30 feet from the road right-of-way.

D. Such use shall be substantially screened from view of preexisting neighboring

residential properties at all seasons of the year.

§ 130-36. Motor vehicle repair shop.

A. All junk wastes shall be stored in a manner which is not visible from neighboring properties or roadways.

B. No more than 30 tires may be stored outside. Tires stored outside must be screened from view from neighboring properties or roadways.

§ 130-37. Commercial excavations.

A. The mining plan and reclamation plan prepared for the New York State Department of Environmental Conservation shall also be reviewed and found acceptable by the Zoning Board of Appeals prior to their approval.

B. Such excavation or extraction shall not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other conditions.

C. Excavation activities shall be set back 100 feet from any property line or public road.

D. Excavations shall not be located on roads which are unsuitable for truck traffic by virtue of their width, construction, or alignment; or on roads where truck traffic would pose an unacceptable safety hazard.

E. Such use shall be substantially screened from view of preexisting neighboring residential properties at all seasons of the year.

F. The mining of consolidated minerals such as limestone, dolostone, sandstone, marble, slate, flagstone, curbing, dimension stone, riprap, abrasives, gypsum, iron, talc, titanium or other metallic or nonmetallic minerals are not permitted in any zone.

§ 130-38. Trucking, warehousing, and industrial uses.

A. Trucking, warehousing and industrial uses which generate substantial amounts of truck traffic shall not be located on roads which are unsuitable for truck traffic by virtue of their width, construction, or alignment; or on roads where truck traffic would pose an unacceptable safety. Adequate road width for truck traffic is considered to be 20 feet pavement width with five feet shoulders on each side.

B. Such use shall be substantially screened from view of preexisting neighboring properties at all seasons of the year.

§ 130-39. Kennels.

No indoor kennel facility shall be located closer than 200 feet to a property line. No outdoor area to be used by animals housed in the kennel shall be located closer than 500 feet to a property line.

§ 130-40. Manufactured home park standards.

A. All manufactured home parks shall be located so as to be accessible by a public highway at least 20 feet in pavement width. The site shall be adequately drained and otherwise physically suitable for a manufactured home park. A site plan shall be required. The site plan shall be prepared by a New York State-licensed professional engineer. The site plan shall require approval by the Zoning Board of Appeals.

B. Each manufactured home park shall be divided and marked off into sites. Each site shall have an area of not less than 7,200 square feet.

C. Each manufactured home site shall front on an internal roadway, and have a minimum width of 75 feet.

D. Each manufactured home shall be located no closer than 40 feet from any other manufactured home or permanent building in the manufactured home park.

E. Each manufactured home shall be at least 40 feet from all boundaries of the manufactured home park.

F. Access roads shall intersect public roads at right angles.

G. Every roadway within a manufactured home park shall be designed and constructed to meet the Town's specifications for new highway construction.

H. Every roadway within a manufactured home park shall be maintained and kept clear such that each lot is accessible by emergency vehicles at all times of the year.

I. Turnaround shall be provided at the end of dead end roads.

J. Each manufactured home lot shall be provided with two off-street parking spaces.

K. Water supply and sewerage disposal shall be designed and constructed in compliance with Clinton County Health Department standards and New York State Department of Environmental Conservation standards, as applicable.

L. Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park.

M. Each manufactured home shall be provided with skirting to screen the space between the manufactured home and the ground. Such skirting shall be of nontransparent durable material such as wood, stone, cement block, or vinyl. Such skirting shall be installed within 90 days of occupancy.

N. Each manufactured home site shall be constructed, and each manufactured home shall be installed, in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.

O. All manufactured homes shall be in compliance with standards equal to or more stringent than the United States Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR 3280 (1976) and any amendments and revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been

complied with. The presence of a permanent certification label affixed to the mobile or manufactured home by the manufacturer shall be presumptive evidence that the construction of a mobile or manufactured home is in compliance with such standards.

P. All manufactured homes shall be at least 12 feet wide.

Q. All fuel tanks shall be securely locked and concealed from public streets to the extent practical.

R. A landscaping plan shall be prepared and carried out which will assure the Zoning Board of Appeals that an appropriate planting of trees and shrubs will be included in the park design. The Zoning Board of Appeals may require that the entire park shall be screened from view of adjacent properties and roadways by the planting of shrubbery of an appropriate species.

S. Each park consisting of 10 or more manufactured home sites shall have easily accessible and usable open spaces. Such open spaces shall have an area equal to at least 5% of the gross land area of the park, and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

T. No manufactured home shall be located within 100 feet of any stream, brook, pond, or wetland.

§ 130-41. Campgrounds; travel trailer parks.

A. All campgrounds/travel trailer parks shall be located so as to be accessible by a public highway at least 20 feet in pavement width. The site shall be adequately drained and otherwise physically suitable for a campground/travel trailer park. A site plan shall be required. The site plan shall be prepared by a New York State-licensed professional engineer. The site plan shall require approval by the Zoning Board of Appeals.

B. Minimum lot size: five acres.

C. Each campground/travel trailer park shall have adequate access to a public highway, and each camp/travel trailer site shall be serviced from interior roadways.

D. The campground/travel trailer park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.

E. The minimum size of each camp/travel trailer campsite shall be 2,500 square feet.

F. There shall be a minimum 40 feet of green space buffer surrounding the campground/travel trailer park. No campsite or portion thereof, building, or structure shall be placed within the buffer area.

G. No campsite shall be located within 100 feet of any stream, brook, pond, or wetland.

H. The Zoning Board of Appeals may require that the campground/travel trailer park be substantially screened from the view of public roads and neighboring properties.

I. Each campground/travel trailer park shall comply with all applicable rules and regulations of the New York State Department of Health and the Clinton County Health Department.

J. Adequate plans shall be made for the collection and disposal of garbage, rubbish, and solid wastes generated within the park.

K. Access roads shall intersect public roads at right angles.

L. Water supply and sewerage disposal shall be designed and constructed in compliance with Clinton County Health Department standards and New York State Department of Environmental Conservation standards, as applicable.

§ 130-42. Marinas.

A. In addition to the requirements set forth below, all marinas must comply with the requirements of the New York State Office of General Services in connection with their authority over the use of lands under water, and any other state or federal agencies having jurisdiction.

B. Minimum frontage:

(1) For marinas with berthing facilities for up to 50 boats: 300 feet minimum lake or river frontage.

(2) For marinas with berthing facilities for more than 50 boats: 300 feet, plus four feet for each berth in excess of 50.

C. Sanitary facilities.

(1) Toilet and other necessary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated with soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

(2) Male facilities shall consist of not less than one flush toilet for every 50 berths and one lavatory for every 50 berths. Female facilities shall consist of not less than one flush toilet for every 50 berths and one lavatory for every 50 berths.

(3) Lavatory facilities shall be supplied with hot and cold running water.

(4) Buildings housing sanitary facilities shall be located at least 50 feet from the mean high water mark of Lake Champlain or the Great Chazy River.

(5) Sewerage disposal facilities shall be required at all marinas, and approved by the Clinton County Health Department.

D. Sewage pump-out facilities. Facilities shall be provided for the pump out of holding tanks on boats using the marina facilities. Facilities for disposal of such septic wastes shall be approved by the Clinton County Health Department.

E. Garbage disposal. All garbage receptacles shall have tight-fitting covers and shall be provided in quantities to adequately permit the storage and disposal of all

garbage generated by the marina and any associated facilities.

F. Repair work. No testing of motors or engines or repairs on boats, other than emergency repairs, shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.

G. Lighting. Lighting shall be of a type, design and location that maximizes the safety of marina users and minimizes potential annoyance to neighboring properties. Any navigation or other lights required by federal or state law shall be exempted from this section.

H. Landscaping plan. The marina operator shall provide the Zoning Board of Appeals with a landscape plan designed to screen the marina from surrounding residential properties.

I. Parking. All marinas shall provide and maintain at their own expense a parking lot of sufficient size to provide for 1 1/2 spaces per berth, slip, or mooring.

§ 130-43. Cluster development.

A. Purposes. The use of cluster development, whereby buildings are grouped together on smaller than normal lots and portions of the site are set aside as permanent open space, is encouraged in order to achieve the following objectives:

(1) The preservation of open space such as views, farm fields, mature woods and other features which add to the rural character and quality of the residential environment.

(2) The more economical provision of streets, utilities and other development infrastructure.

(3) Locating buildings and septic systems upon the most suitable soils.

B. Authorization for simultaneous subdivision review. Should the Zoning Board of Appeals be authorized to review and approve subdivision plats by local law or regulation, as provided by § 281 of the Town Law, the Zoning Board of Appeals of the Town of Champlain is hereby authorized, simultaneous with its review of subdivision plats, to modify certain provisions of this Zoning Chapter according to the standards set forth in this section.

C. Standards. Minimum lot size, minimum lot width, and minimum building setbacks as specified in Article III of this chapter may be reduced, provided that the following standards are satisfied:

(1) Three or more dwellings or principal structures are proposed to be placed on a single lot, or a subdivision of three or more lots in single ownership or in ownership by a group of two or more owners acting in concert is involved.

(2) For residential development, the total number of dwellings permitted shall not exceed the number specified in Subsection D below.

(3) In no case shall the number of principal structures proposed to front on lakes, rivers, or existing public roads exceed the number which could, in the Zoning Board of Appeal's judgment, front upon such lakes, rivers or roads in a

conventional division layout designed in compliance with the minimum dimensional requirements stated in Article III of this chapter.

(4) All proposed land uses within the cluster development shall be listed as either permitted uses or as special uses in the zone where the development is located.

(5) Open areas within the site shall be chosen so as to facilitate one or more of the following objectives:

(a) To preserve prime farmland.

(b) To preserve views.

(c) To protect environmentally sensitive features such as providing buffers for streams and wetlands.

(d) To locate septic leach fields upon suitable soils.

(e) To provide recreation areas.

(f) To serve as a buffer between neighboring properties and roads.

(g) To preserve wooded areas and hedgerows.

(h) To preserve other such areas which add to the rural character and quality of the environment.

(6) Provision, whether by deed restriction, covenant, or other legal arrangement, shall be made to ensure that the undeveloped portion of the parcel remains as permanent open space or recreation area.

(a) Designated open space areas may be owned privately by individuals. Adequate provision shall be made by covenant, deed restriction or other legal means to insure that future owners are aware of the development restrictions upon such areas.

(b) Open space or recreation areas may be owned in common by individuals within the subdivision. In such case, covenants or other legal arrangements shall specify ownership of the cluster open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions, and any other specifications deemed necessary by the Planning Board or Zoning Board of Appeals.

(c) Open space or recreation areas may be deeded to the Town upon approval by the Town Board.

(7) All the general standards for special use permits stated in § 130-33 herein shall apply.

D. Number of permitted dwelling units. The total number of dwelling units permitted within the cluster development shall not exceed the number which would otherwise be permitted by application of the minimum lot size requirements for single-family dwellings to the buildable portion of the site. In calculating the number of dwelling

units allowed, the following rules shall apply:

(1) The net buildable area shall be calculated by subtracting from the area of the site as determined from actual on-site survey the following:

(a) Any unbuildable lands such as, but not limited to, wetlands, slopes exceeding 15%, rock outcrops, flood hazard areas, and inaccessible portions of the site; and

(b) Any separate parcels which are not contiguous to the remainder of the development. The area of the subdivided parcel to be occupied by streets and roads need not be subtracted.

(2) The number of dwelling units allowed shall be calculated by dividing the net buildable site area by the minimum lot size permitted for single-family dwellings within the zone.

(3) Fractions of dwelling units shall be rounded to the lowest whole number.

E. Procedures.

(1) Cluster developments shall be approved according to the procedures prescribed for special use approval as specified in Article VIII of this chapter.

(2) In their review of site plans for cluster development, the Town Zoning Board of Appeals shall maintain accurate records and maps showing the location of permanent open spaces. No further development upon the designated open spaces shall be permitted.

§ 130-44. Demolition and construction debris disposal.

A. All demolition and construction debris fill areas shall be capped with an earthen cover within 90 days of the date of the first disposal in such area.

B. To the extent practicable, such a disposal area shall be located so as not to be visible from public highways and neighboring properties.

C. The Zoning Board of Appeals shall require that such a disposal area be substantially screened from the view of public highways and neighboring residential properties.

D. Demolition construction and debris facilities must also comply with all applicable regulations established by the New York State Department of Environmental Conservation.

E. In accordance with the permitted use charts in this chapter, only construction and demolition debris generated within the Town of Champlain is allowed to be disposed of within the Town. Disposal of construction and demolition debris generated outside the Town of Champlain is not allowed in any zone.

§ 130-45. Telecommunications towers.

A. Shared use.

(1) At all times, shared use of existing towers shall be preferred by the Town to

the proposed construction of new towers. Additionally, where such shared use is unavailable, location of antenna on preexisting structures shall be considered. An applicant shall be required to submit a detailed report inventorying existing towers within reasonable distance (two to four miles) of the proposed new tower site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.

(2) An applicant intending to share use of an existing tower or structure shall be required to document in writing the intent from an existing tower or structure owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other changes including real property acquisition or lease required to accommodate shared use.

(3) In the case of proposing construction of new communications towers or structures, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use of existing towers or structures. Copies of written requests and responses for shared use inquiries shall be provided.

(4) The applicant shall examine the feasibility of designing a proposed communication tower to accommodate future demand. The scope of this analysis shall be determined by the Zoning Board of Appeals during the referral period, made in accordance with Article VIII of this chapter.

B. Setbacks. Telecommunication towers shall be set back from all property lines a minimum distance equal to 1 1/2 times the height of the proposed tower or 50 feet, whichever is greater. Accessory structures and guy wires shall be set back a minimum distance of 50 feet from all property lines.

C. Minimum distance from residential buildings. No new telecommunications tower, or accessory structure or guy wire thereto, shall be constructed within 500 feet of any existing residential building.

D. Visibility. Communication towers shall not be artificially lighted or marked except as required by the Federal Aviation Administration (FAA). Communication towers shall be a galvanized finish or painted gray above the surrounding tree line, and painted an appropriate color to harmonize with the surroundings below the tree line unless other standards are required by the FAA. Structures offering slender silhouettes (i.e., monopoles or guyed tower) shall be preferable to freestanding structures except where such freestanding structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

E. Height. The maximum height of a new telecommunications tower shall be 100 feet. The Zoning Board of Appeals in its special use review shall have the authority to modify this height requirement without the issuance of a variance provided that the increased height is justified by the applicant.

F. Screening. At their discretion, the Zoning Board of Appeals may require the planting of vegetation screening sufficient to provide a continuous hedge 10 feet

high within two years of planting in order to effectively screen the tower base and accessory structures from view of surrounding properties.

G. Security. Communication towers and antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access by the general public. Specifically:

(1) All antenna communication towers, antenna towers, monopoles, and other supporting structures, including guy wires, shall be made inaccessible to children and constructed or shielded in such a manner that they cannot be climbed or run into;

(2) Transmitters and communication control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them;

(3) Transmitters and communication control points shall be designed and installed such that any adjustments or controls that could cause the transmitter or communication device to deviate from its authorized operating parameters are accessible only to persons authorized by the licensee to make such adjustments; and

(4) Transmitters and communication control points shall be designed such that in the event an unauthorized person does gain access, that person cannot cause the transmitter or communication device to deviate from its authorized operating parameters in such a way as to cause interference to other authorized communication services.

H. Signage. Telecommunication towers shall be permitted one sign no larger than two square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antennas as well as emergency phone number(s). The sign shall be located so as to be visible from access point to site. No other signage shall be permitted on any antennas, antenna-supporting structure, monopole, or communication tower structure unless required by federal or state regulation.

I. Removal upon abandonment.

(1) In the event a telecommunication tower and/or accessory facility is no longer used for the purpose specified in the application or the telecommunication tower and/or accessory facility ceases operations for a period of 180 days, the applicant, its successors or assigns, shall dismantle and remove such tower structures and facilities from the site and restore the site to its original condition with 90 days of receipt of written notice from the Town Board. If the owner of the property upon which the telecommunications tower is located wishes to retain any access roadway to the telecommunication tower, the owner may do so with the approval of the Zoning Board of Appeals.

(2) The applicant and the owner of record of the premises may be required to execute and file with the Town a bond or other form of security acceptable to the Town Attorney and Town Financial Officer as to form and manner of

execution in a amount sufficient for the faithful performance of the terms and conditions of this chapter, the conditions of the permit or approval issued hereunder, for the observation of all Town local laws or ordinances, to cover the maintenance of the tower during its lifetime and provided for its removal. The amount required shall be determined by the Zoning Board of Appeals. In the event of default upon the performance of any such conditions or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the removal of the transmission tower, telecommunication tower, communication installation, freestanding tower, accessory facility/structure, and site restoration.

J. Additions. In addition to complying with all other provisions of this section, any proposed additions to an existing tower require certification from a New York State-licensed professional engineer as to the structural ability of the existing tower to support such additions.

ARTICLE VI
Nonconforming Lots, Uses and Structures

§ 130-46. Applicability.

This article shall apply to those land uses, structures and lots of record which legally existed at the time of enactment or amendment of this chapter, but which are not in compliance with the regulations or standards herein.

§ 130-47. Intent.

The intent of this article is to provide for limited development upon existing undersized lots, and to allow nonconforming uses to continue but not to encourage their expansion.

§ 130-48. Existing undersized lots of record.

A. A single-family dwelling may be constructed on any recorded lot held in single and separate ownership prior to adoption of these regulations without regard to the minimum lot area, minimum lot width, and minimum lake or river frontage required by this chapter, provided that such lot does not adjoin any other lot or lots held by the same owner such that the owner might combine two or more lots in order to meet minimum requirements. Minimum front, side and rear building setback requirements, and maximum building coverage and minimum open space requirements stated in this chapter shall apply, and any deviation from such requirements shall require a variance. The establishment of a use other than a single-family dwelling on such lots shall require a variance.

B. Existing buildings located on undersized lots of record may be reconstructed to occupy the same ground area as the original structure.

C. Existing buildings located upon undersized lots of record may be expanded without the issuance of a variance, provided that minimum front, side, and rear building setbacks are met, and the maximum building coverage and minimum open space requirements stated in this chapter are met.

§ 130-49. Nonconforming building setbacks.

Existing buildings which are placed closer to front, side or rear lot lines than permitted by this chapter shall not be expanded within such building setbacks without the issuance of a variance. In addition to the variance, the maximum building coverage and minimum open space requirements stated in this chapter must also be met.

§ 130-50. Nonconforming uses.

Uses of land or structures which lawfully existed at the time these regulations were enacted, and which would be prohibited or restricted by these regulations, may be continued subject to the following conditions:

A. Enlargement of buildings or structures. Buildings or structures containing a nonconforming use may be enlarged only upon issuance of a use variance by the Zoning Board of Appeals.

B. Expansion of area. The area of a lot occupied by a nonconforming use which does not involve a building, such as a nonconforming automobile sales lot, an equipment storage area, or a junk storage area, may be expanded only upon issuance of a use variance by the Zoning Board of Appeals.

C. Replacement of nonconforming single-wide mobile homes. An existing mobile home may be replaced with a larger or more recently manufactured mobile home, provided that:

(1) The provisions of § 130-19 of this chapter are complied with; and

(2) The older mobile home is replaced within one year of its removal; and

(3) The newer manufactured mobile home meets all zoning setback requirements stated in this chapter.

D. Unsafe structures. Any structure or portion thereof declared unsafe by proper authority may be restored to a safe condition provided that after restoration, the structure complies with minimum standards set forth in the New York State Uniform Fire Prevention and Safety Code.

E. Restoration. If a building is destroyed by fire, flood, or other act of God, then it may be rebuilt or restored to house the specific use that existed at the time of its destruction, but it shall not be rebuilt for any other nonconforming use.

F. Discontinuance. Whenever a nonconforming use has been discontinued for a period of one year, the use shall not thereafter be reestablished, and all future uses shall be in conformity with these regulations.

G. Changes. Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a nonconforming use.

H. Ownership. Any nonconforming use sold to another party may be continued, provided that such use is reestablished within one year of the sale.

ARTICLE VII
Terminology

§ 130-51. Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meaning. Doubt as to the precise meaning of a word shall be clarified by the Zoning Board of Appeals under its powers of interpretation.

ACCESSORY STRUCTURE — A building or structure which is of secondary importance to the principal structure of the parcel and which is not used for human occupancy, including but not limited to garages, sheds and swimming pools. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. A building shall not be considered to be an accessory structure if it houses, or is designed to house, animals, including but not limited to cows, horses, pigs, sheep, or fowl. Such building shall comply with the setback requirements for agricultural structures as required by § 130-9D herein.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

ADVERTISING SIGN — A sign which is intended primarily for advertising a service or product.

AGRICULTURAL STRUCTURES — Barns, storage buildings, equipment sheds, and other structures customarily used for agricultural purposes.

AGRICULTURE — The raising of crops, animals or animal products, limited forestry, the selling of products grown on premises, and any other commonly accepted agricultural operations. Incidental mechanical processing and sales of products grown on the premises are included in the definition.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications.

AREA VARIANCE — The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

BUILDING — Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

BUILDING COVERAGE — The area of a plot of land covered by the principal and accessory buildings and structures, as measured at the outside face of the exterior walls, including roofed porches, balconies, and cantilevered parts of the building.

CAMPGROUND — Any parcel of land on which are located two or more cabins, tent sites, shelters, travel trailer sites or other accommodations of a design or character suitable for seasonal or other temporary living purposes.

CLEAN FILL — Uncontaminated solid waste consisting of bricks, concrete, other masonry materials, soil, rock, rees, brush, branches and wood chips.

CLEAN FILL SITE — A fill site shall be a location or parcel involving the placement

of 100 cubic yards or more of clean fill.

CLUSTER DEVELOPMENT — A development consisting of two or more structures whereby individual lots may be reduced in size and/or where buildings may be placed closer together than otherwise permitted, so that valuable open spaces on the development parcel, such as views or wooded areas, may be retained. A cluster development may consist solely of residential units, or, if commercial uses are permitted in the zone where the cluster development is located, may consist of a mixture of residential and commercial uses. A parcel of land containing a single multifamily dwelling structure shall not be considered to be a cluster development. A single structure occupied by five or more businesses shall be considered to be a shopping center, not a cluster development.

COMMERCIAL EXCAVATION — Any excavation which requires a mining permit or mined land reclamation permit as issued by the New York State Department of Environmental Conservation.

COMMERCIAL USE — Any use involving the sale, rental, or distribution of goods or services, either retail or wholesale, such as stores, offices or the provision of recreational facilities for a fee; except that roadside produce stands operated on a seasonal basis and selling produce grown on the property shall not be considered to be a commercial use, and shall not be subject to the provisions governing commercial uses in this chapter.

COMMERCIAL WASTE — Solid waste generated by commercial and institutional processes which is not industrial, hazardous, or construction and demolition debris waste.

CONSTRUCTION AND DEMOLITION DEBRIS — Shall have the same meaning ascribed to it by the New York State Environmental Conservation, which as of 2012 was stated as follows:
Uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to bricks, concrete and other masonry materials, soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets 10 gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair and demolition of utilities, structures and roads and land clearing) includes, but is not limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, carpeting, furniture, appliances, tires, drums, containers greater than 10 gallons in size, any containers having more than one inch of residue remaining on the bottom and fuel tanks. Specifically excluded from the definition of construction and demolition debris is solid waste (including what otherwise would be construction and demolition debris) resulting from any processing technique, other than that employed at a department-approved C&D debris processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding.

COVERAGE — That percentage of the plot or lot area covered by the area of buildings

and structures (also see "building coverage").

DIRECTIONAL SIGN — A nonilluminated sign intended primarily for the purpose of informing the traveling public where a business is located and what products or services are available there.

DISPOSAL — A material is disposed of if it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed into any, or on any, land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

DWELLING — Building or part thereof used as living quarters. For purposes of this chapter, the terms "dwelling unit," "one-family dwelling," "two-family dwelling" and "multifamily dwelling" shall not include a motel, hotel, boardinghouse, or tourist home.

DWELLING UNIT — Building or part thereof used as living quarters for one family, containing independent cooking and sleeping facilitates.

ESSENTIAL USE/SERVICE — Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities which provide an essential use or service the public has a legal right to demand and receive. Wind towers, wind farms, and solar arrays shall not be considered essential use/services.

FAMILY — One or more persons related to each other by blood, marriage or adoption, or not more than four individuals who are not related, living together as a single housekeeping unit.

FARM — Any parcel of land containing at least five acres which is used for gainful intent in raising of agricultural products, horticultural products, livestock, poultry, or dairy products, provided that agriculture is the principal use of the property. This definition does not include dog kennels.

FENCES — An enclosure and/or barrier used as a boundary or means of protection or confinement.

FLOOR AREA RATIO — The ratio of floor area permitted on a lot to the size of the lot. For example: on a lot of 100,000 square feet with a 40% maximum floor area ratio, the maximum floor area would be 40,000 square feet; the 40,000 square feet could all be on the first story, or could be partially on the first story and partially on the second story.

FORESTRY USE — Any management, including logging, of forest, woodland or plantation and related research and educational activities including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

FRONT YARD — The space on the front of a lot facing the street not occupied by a building or structure, measured perpendicular from the nearest corner of a building or structure to a front lot line and extending the full width of the lot.

HAZARDOUS CHEMICALS — Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the United States Environmental Protection Agency.

HAZARDOUS WASTE — A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

A. Cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible illness; or

B. Pose a present or potential hazard to humans, animals, or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

HEALTH CARE FACILITY — Medical center, or group of offices providing medical care, dental services or chiropractic services.

HEAVY INDUSTRIAL USE — Any manufacturing or assembly facility which does not fall under the definition of "light industrial uses" as defined in Article VII herein, and excluding any facilities which include any of the following:

A. The manufacture of hazardous chemicals.

B. The use of petroleum-based products, except as incidental to the main industrial use.

C. The outdoor storage of scrap metal or junk.

D. The creation of solid, liquid, or airborne hazardous wastes.

E. The creation of smoke or airborne particulate matter except as incidental to the main industrial use.

F. The creation of noise which would have an adverse impact upon neighboring properties.

HEIGHT OF BUILDING — Vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat and mansard roofs, and to the average height between the eaves and ridge for other types of roofs.

HOME OCCUPATION — An occupation conducted in a dwelling unit or garage which is clearly secondary to the property's residential use, which:

A. Does not change the outside appearance of the dwelling.

B. Is not visible from the road except for one sign as permitted by this chapter.

C. Does not result in the outside storage or display of anything.

D. Does not create a hazard to persons or property.

E. Does not create any adverse impact upon neighboring properties.

F. Does not generate traffic or parking in excess of what is normal for a residential use.

G. Does not employ more than three employees, and shall allow customers, clients or sales representatives to enter the premises. A home occupation that employs more than three people shall be considered a small business and shall be subject to the small business provisions of this chapter.

H. May be, but is not limited to, a professional office, limited commercial sales homemade crafts, etc., A home occupation may, for example, include the office of a physician, dentist, lawyer, real estate broker, architect, or similar professional; a craftsman's, artist's, or photographer's studio or shop; a dressmaker's or seamstress's shop; a barber shop or beauty shop. A home occupation may NOT, for example, include a funeral home, veterinary hospital, or kennel.

INDUSTRIAL WASTE — Solid waste generated by manufacturing or industrial processes.

JUNK, JUNKYARD, JUNK EQUIPMENT, JUNK VEHICLES — Refer to the latest amendment of the Town of Champlain Junk and Vehicle Storage Law (first enacted December 30, 2003).[34]

KENNEL — An establishment in which more than five dogs are housed, groomed, bred, boarded, trained or sold.

LAKE FRONTAGE — The distance, measured along the seasonal mean high water line as defined by the New York State Department of Environmental Conservation, between the boundary lines of a lot as they intersect the seasonal mean high water line. Lake frontage need not be calculated in a straight line; the curvature of the shoreline shall be followed.

LIGHT INDUSTRIAL USE — A business engaged in the fabrication of finished products or parts, predominantly from previously prepared materials, assembly treatment, packaging, processing, and incidental storage, sales, and distribution of such products, including commercial storage tanks, but excluding recycling, refuse and scrap facilities, waste-to-energy facilities and asphalt plants, and excluding any facilities which include any of the following:

A. The manufacture of hazardous chemicals.

B. The use of petroleum-based products, except as incidental to the main industrial use.

C. The outdoor storage of scrap metal or junk.

D. The creation of solid, liquid, or airborne hazardous wastes.

E. The creation of smoke or airborne particulate matter except as incidental to the main industrial use.

F. The creation of noise which would have an adverse impact upon neighboring properties.

LOT — Any parcel of land which individually or as part of a subdivision of land has been recorded in the County Clerk's office.

LOT FRONTAGE — The portion of the lot abutting upon a public street, public highway, or public road. That portion of a lot which abuts a privately owned street shall not be considered lot frontage.

LOT LINE — Property line bounding a lot.

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34. Editor's Note: See Ch. 89, Junk and Vehicle Storage.

LOT WIDTH — The horizontal distance between the side lot lines measured at right angles to the depth, measured at a depth equal to the greater distance of:

A. The minimum required front yard setback.

B. The distance from the public road to the nearest side of the building.

MAJOR SEWER TREATMENT STRUCTURE — Any structure that is above ground and designed for the purpose of treating 1,000 or more gallons of effluent per day.

MANUFACTURED HOME — A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4-1-1993, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length, or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

MANUFACTURED HOME PARK — Any lot of record upon which three or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MARINA —

A. Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:

   (1) The sale of marina products or services.

   (2) The sale, lease, rental or charter of two or more vessels of any type.

   (3) The sale, lease, rental or any other provision of storage, wharf space or mooring for two or more vessels not registered to the owner of said facility, members of the owner's immediate family, or overnight guests on said property.

B. Any campground or travel trailer park which provides for or allows boats coincidentally with the rental of camping spaces shall be deemed to be a marina. The term "marina" shall include quick-launch facilities as defined herein.

MEMBERSHIP CLUB — Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public. The term "membership club" shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations. The term "membership club" shall also include:

A. A group of people organized for a common purpose, and which voluntarily meets on a regular basis.

B. The building, room, land or other facility used for meetings of an organized group. Bed-and-breakfasts, boarding houses/rooms, twenty-four-hour occupancies, guest rooms, or other similar facilities shall not be considered a club. A group that organizes itself as a "membership club" must comply with any laws governing its organization.

MINING — The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

MINOR RESIDENTIAL STREET — A loop street, short dead-end or cul-de-sac, or other street within a residential subdivision which is neither intended nor designed to serve through traffic. Such streets are commonly constructed by developers to serve a specific residential subdivision. All dead-end roads, public or private, which are less than one-quarter of a mile long are deemed to be minor residential streets.

MOBILE HOME — See "manufactured home."

MOBILE HOME PARK — See "manufactured home park."

MODULAR HOME — A structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

MOORING — Any anchor, chain, buoy, pennant or other object by which a vessel is secured at one point.

MOTEL/HOTEL — A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

MOTOR VEHICLE — Includes an automobile, truck, motorcycle, tractor, boat, farm vehicle, recreational vehicle, all-terrain vehicle, snowmobile or any other self-propelled vehicle design for running on land, water, or air.

MOTOR VEHICLE BODY REPAIR FACILITY — Any building, shop, land area, or other premises, or portion thereof used for the commercial repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding, detailing, and steam cleaning of vehicles.

MOTOR VEHICLE REPAIR FACILITY — Any building, shop, land area, or other premises, or portion thereof used for the servicing and repair of motor vehicles,

including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories and where retail or wholesale dispensing or sales of vehicular fuels takes place, or where no retail or wholesale dispensing or sales of vehicular fuels takes place.

MOTOR VEHICLE SALES, LEASE, OR RENTAL — Any use of land for the display, and sales, lease, or rental of new or used motor vehicles, trailers, travel trailers, or any other self-propelled vehicles design for running on land, water, or air.

MOTOR VEHICLE WASH FACILITY — Any building, land area, or other premises, or portion thereof used for the interior or exterior cleaning and/or washing of motor vehicles.

MULTIFAMILY DWELLING — A building designed for, or occupied by, three or more families living independently of one another, to include row-type attached or semiattached dwellings which share a common wall or portion thereof.

NEIGHBORING RESIDENTIAL PROPERTY — Any adjoining lot used primarily for residential purposes.

NONCONFORMING LOT — Any legally created lot of record which existed on the effective date of this chapter and which does not conform to the minimum requirements of this chapter.

NONCONFORMING USE — A use of land existing at the time of enactment of this chapter which is neither a permitted use nor allowed by special use permit in the zone where it is located.

OPEN SPACE — That portion of a parcel or lot which is not covered by a building, parking area, driveway, storage space, display area, roof, deck, or other impervious area. Sidewalks, lawn, vegetation, landscaping, trees, vegetated storm water treatment and storage areas, and swimming pools shall be treated as open space.

PERSONAL SERVICE — Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio, and businesses providing similar services of a personal nature.

PLANNING BOARD — Town of Champlain Planning Board.

PRINCIPAL STRUCTURE — The structure in which is conducted the principal use of the lot on which it is located.

PROFESSIONAL OR BUSINESS OFFICE — Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, surveyors, engineers, accountants, and similar professions.

PUBLIC FACILITY — Any usage by a governmental agency or other agency providing a public service, including but not limited to libraries; public recreation facilities; schools; hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.

QUICK-LAUNCH FACILITY — A commercial facility where vessels are stored, launched, and stored again individually for periods of less than one week at a time.

REAR LOT LINE — On corner lots or irregular shaped lots, that line which is furthest away from the street line.

REAR YARD — The space on the rear of a lot not occupied by a building or structure, measured perpendicular from the nearest corner of a building or structure to a rear lot line and extending the full width of the lot.

RECREATION FACILITY — Any land, building, complex of structures, business or portion thereof designed and equipped for the conduct of sports and leisure time activities and educational and sports and leisure time educational activities.

RECREATION FACILITY, COMMERCIAL — A recreation facility operated as a business and open to the public for a fee.

RECREATION FACILITY, PUBLIC — A recreation facility open to the general public. This term shall include public parks, playgrounds, athletic fields, etc.

RECREATION TRAILS — A network of trails designed for nonmotorized recreational use.

RECREATION, INDOOR — A facility where recreation activity is conducted wholly inside a building.

RECREATION, OUTDOOR — Any recreation use particularly oriented to and utilizing the outdoor character of an area, including children's summer camps, hunting and fishing camps, horseback riding stables, playgrounds, picnic areas, beaches or similar uses.

RESIDENTIAL PROPERTY LINE — Lot line of a parcel of land containing a residential use.

RESTAURANT — An establishment at which food is prepared and served to patrons on the premises, which may include the serving of alcoholic beverages, provided that the serving of drinks is clearly secondary and accessory to the serving of food.

RETAIL GASOLINE OUTLET — Any establishment which sells gasoline to the public, to include service stations, convenience stores, car washes and any other facility which sells gasoline.

ROAD LINE — Right-of-way line of a road as dedicated by a deed or record. Where the width of a road is not established, the road line shall be considered to be 25 feet from the center line of the road pavement.

ROADSIDE PRODUCE STAND — Any stand operated on a seasonal basis and selling produce grown on the property. Stands operated on a year-round basis or which primarily sell produce not grown on the property shall be considered a commercial use, and shall be subject to all the requirements for commercial uses stated in this chapter.

SAND OR GRAVEL EXTRACTION — See "commercial excavation."

SEPTAGE — The contents of a septic tank, cesspool, dry well or other individual sewage treatment facility which receives domestic sewage wastes.

SHOPPING CENTER — A tract or parcel of land containing a grouping of five or more stores or shops that provide a variety of goods and services and which are within the same building or in contiguous units that are using integrated parking facilities and have a common access to the public way.

SHORELINE OF LAKE CHAMPLAIN OR GREAT CHAZY RIVER — That line which adjoins the waters of Lake Champlain or the Great Chazy River at the mean high water mark as defined by the New York State Department of Environmental

Conservation.

SIDE YARD — The space on the side of a lot not occupied by a building or structure, measured perpendicular from the nearest side of a building or structure to a side lot line and extending the full length of the lot.

SIGN — Any material, structure or object, or part thereof, composed of lettered or pictorial matter which is used for the purpose of bringing the subject matter thereof to the attention of others.

SINGLE-FAMILY DWELLING — Detached building designed for or occupied by one family.

SMALL BUSINESS —

A. Any retail or service, or trucking business which complies with each of the following criteria:

(1) The business is conducted on a lot at least one acre in size if no other principal structure exists on such lot, or the business is conducted on a lot at least two acres in size if a residential structure exists on the lot.

(2) The size and design of the building or buildings used for the small business is such that no more than five off-road parking spaces are required in order to comply with § 130-21F of this chapter.

(3) The combined total ground area of buildings constructed for business purposes does not exceed a maximum of 2,500 square feet, or the amount calculated in Subsection A(2) above, whichever is less. In addition to a building constructed for business purposes, any portion of a residence or of a one- or two-car garage may be used for the conduct of a small business.

(4) No more than 2,500 square feet of outdoor space is devoted to storage of goods, materials or equipment, or for a display area for equipment or vehicle sales. For vehicle sales establishments, no more than 12 vehicles are displayed or stored out-of-doors: This amount shall not include or allow the storage of vehicles for repair purposes.

(5) No more than one semitrailer-type truck is stored on the property at any time. No more than one smaller trucks or dump trucks principally used for business purposes are stored on the property at any time.

(6) No more than one piece of motorized construction or earthmoving equipment, or similar equipment, or large trailer, is stored on the property at any time, except that up to two pieces of such equipment may be stored on the property provided that they are stored at least 50 feet from any neighboring residential property line.

(7) There is no:

(a) Outdoor storage of junk or junked vehicles as defined herein;

(b) Blinking or flashing signs;

(c) Signs larger than 20 square feet in surface area;

(d) Use of materials which pose a hazard due to their toxicity or potential to cause an explosion;

(e) Gasoline pumps for the retail sale of gasoline;

(f) On-site waste disposal other than for sewerage wastes;

(g) Creation of noise in excess of what would be normal in a residential neighborhood;

(h) Outdoor lighting in excess of what would be normal in a residential neighborhood.

(8) For vehicle repair establishments, no more than two vehicles under repair are stored outside.

B. Specifically excluded from the definition of a small business are gasoline sales establishments, taverns, nightclubs, restaurants, campgrounds, travel trailer parks, mobile home parks, truck stops, warehousing, sawmills, motels, kennels, amusement parks, slaughterhouses, junkyard, marinas, trucking businesses consisting of more than one semitrailer-type truck, and motorized vehicle race tracks.

C. For the purposes of this definition, if essentially the same business is conducted on two or more adjacent lots which are owned, leased or rented by the same party, then said business shall be deemed to be a single business, and each such group of lots shall be considered to be a single lot for purposes of complying with requirements of Subsection A(7)(a) through (h) above.

SOLAR ARRAY — Any order or group of solar panels that may be one single or mixed types with the intent to capture and transform sunlight into some other form of energy. Solar arrays or panels shall be considered structures for the purposes of setbacks and coverage.

SOLID WASTE — All materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

SPECIAL USE PERMIT — An authorization of a particular land use which is permitted in this chapter subject to conditions which are designed to insure that the proposed use will not adversely affect the neighborhood if such conditions are met.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including garages, swimming pools, solar arrays, and outbuildings.

TARP STRUCTURE — A structure, handmade or commercially purchased, made from canvas, poly, vinyl, or other such material, usually used for permanent or temporary storage or as a permanent or temporary portable garage.

TAVERN — An establishment used primarily for the serving of alcoholic beverages to the general public, where food may be served as an accessory to the primary use. This

definition shall include the term "bar" or "nightclub."

TELECOMMUNICATIONS TOWER — Any structure on which one or more transmitting and/or receiving antenna is located.

TEMPORARY SIGN — Any for sale or for rent sign, or any sign or banner announcing an event which is removed longer than seven days after the end of the event.

TRAVEL TRAILER — Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes, including tent campers or truck campers. A motor vehicle or trailer meeting the above definition, but which is longer than 40 feet in length, shall be considered to be a mobile home or manufactured home. (See definition of "mobile home" and "manufactured home.")

TRAVEL TRAILER PARK — Any plot of ground upon which two or more trailers, pickup coaches, tent campers, truck campers, or similar recreational vehicles less than 40 feet in length, and/or tents occupied for dwelling or sleeping purposes for transients, are located.

TRUCKING — A facility or business for the storage of more than one semitrailer-type truck or more than one smaller truck such as dump trucks or box trucks, that are used principally for hire for transporting goods that are not manufactured or warehoused on the site.

TWO-FAMILY DWELLING — Building designed for, or occupied by, two families living independently of one another.

USE VARIANCE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VARIANCE — Any departure from the strict letter of this chapter granted by the Zoning Board of Appeals as it applies to a particular property.

WAREHOUSING AND DISTRIBUTION — Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

WASTE DISPOSAL AREA — Any area for the disposal of solid waste. (See definitions of "solid waste" and "disposal.")

ZONING BOARD OF APPEALS — Town of Champlain Zoning Board of Appeals.

ZONING ENFORCEMENT OFFICER — The official designated to administer and enforce this chapter.

ZONING PERMIT — A document issued by the Zoning Officer authorizing the use of lots or structures in conformity with this chapter.

ARTICLE VIII
Special Use Review and Approval

§ 130-52. Applicability.

All uses listed as special uses in Article III shall first require submission to the Town of Champlain Planning Board for review and referral with or without recommendations to the Town of Champlain Zoning Board of Appeals, after which such special uses shall then require review and approval by the Town of Champlain Zoning Board of Appeals before a special use permit may be issued by the Enforcement Officer.

§ 130-53. Authorization.

The Town of Champlain Planning Board is hereby authorized to receive and review applications for Special Use Permits and to make referrals and recommendations on such special use permit applications, to the Town of Champlain Zoning Board of Appeals. The Town of Champlain Zoning Board of Appeals is hereby authorized to review and approve, approve with modifications, or disapprove applications for special use permits in accordance with the standards set forth in Article V herein.

§ 130-54. Site plan approval.

As part of their review and approval of a special use permit, the Zoning Board of Appeals shall review and approve a site plan for the proposed use.

§ 130-55. Application for special use approval.

All applications for special use approval shall consist of the following:

A. Fifteen copies of a site plan map (five for the Planning Board, five for the Zoning Board of Appeals, one for the Zoning Attorney, one for Codes and Zoning Officer, one to be retained for Town records, one to be returned to the applicant, one for referral to the county under General Municipal Law § 239-m, if necessary), drawn to scale, to include, as applicable:

   (1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;

   (2) North arrow, scale and date;

   (3) Boundaries of the property plotted to scale. Either the Planning Board or Zoning Board of Appeals may, at its discretion, require that a boundary survey be prepared by a Land Surveyor licensed in the State of New York for more complex, costlier, or larger projects;

   (4) Existing watercourses and bodies of water;

   (5) Location of any slopes of 5% or greater;

   (6) Proposed grading and drainage;

   (7) Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls, and fences;

(8) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;

(9) Location of outdoor storage, if any;

(10) Description of the method of sewage disposal and location of the facilities, [NOTE: For new or replacement sewage treatment systems, a sewage treatment system permit must be issued by the Clinton County Health Department or the New York State Department of Environmental Conservation prior to the issuance of a building permit by the Town Building Inspector.];

(11) Identification of water sources; if well, show location;

(12) Location, size and design and construction materials of all proposed signs;

(13) Location and proposed development of all buffer areas, including existing vegetative cover;

(14) Location and design of outdoor lighting facilities;

(15) Landscaping plan designed to screen neighboring residential properties from adverse visual impacts.

(16) Location of wetlands under the jurisdiction of the New York State Department of Environmental Conservation or the United States Army Corps of Engineers, if located on or within 100 feet of the site.

(17) Location of special flood hazard areas as determined by the flood hazard mapping program administered by the Federal Emergency Management Agency (FEMA). See FEMA Flood Insurance Rate Maps.

B. Either the Planning Board or the Zoning Board of Appeals may, at its discretion, require that such site plan be prepared by a licensed engineer, architect, or landscape architect for more complex, costlier, or larger projects.

C. Accompanying data, to include the following, as applicable:

(1) Application form and fee.

(2) Name and address of applicant and any professional advisors.

(3) Authorization of owner if applicant is not the owner of the property in question.

(4) Short environmental assessment form for smaller projects, or a full environmental assessment form for larger, more complex projects, or for projects which require coordinated review as the term is defined in 6 NYCRR Part 617 State Environmental Quality Review (SEQR).

(5) Any additional endorsements, certifications, or approvals required by the Zoning Board of Appeals, such as New York State Department of Transportation highway work permits, New York State Department of Environmental Conservation permits, proof of stormwater pollution

prevention compliance, United States Army Corps of Engineers permits, Clinton County Health Department permits, etc.

(6) Other information as the Planning Board or Zoning Board of Appeals may reasonably require to assess the proposed project, such as the location of fire lanes and hydrants, provisions for pedestrian access, or designation of the amount of building area proposed for use for retail sales or other commercial activity.

§ 130-56. Site plan for telecommunication towers.

All applications for a telecommunications tower shall include the following:

A. A site plan as required by § 130-55 above, signed by a New York State-licensed professional engineer, that shall include a description of any lighting on the proposed tower.

B. Justification for:

(1) The height of any tower or antennas; or

(2) Any land or vegetation clearance; and

(3) Any lighting.

C. A completed full environmental assessment form (EAF).

D. A completed visual environmental assessment form (visual EAF addendum) including consideration of nighttime visibility if lighting on the tower is proposed.

E. The Planning Board or Zoning Board of Appeals may require a more detailed visual impact assessment, which may include:

(1) A zone of visibility map showing locations from which the tower may be seen, including nighttime visibility if lighting on the tower is proposed.

(2) Pictorial representations of before and after views from key viewpoints both inside and outside of Town, including but not limited to state highways, and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location when the site is visible to a large number of visitors or travelers. The Board shall determine the appropriate key sites at a presubmission conference with the applicant.

(3) Assessment of the visual impact of the tower base, guy wires, accessory buildings from abutting properties and streets.

§ 130-57. Waiver of submission requirements.

The Zoning Board of Appeals may waive certain submission requirements in the case of minor projects of an uncomplicated nature.

§ 130-58. Review procedure.

A. Preliminary review. The Planning Board shall undertake a preliminary review of an application at its first regularly scheduled monthly meeting after the application is submitted. At the review, the Planning Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified in writing of what further information is required. If the application is considered to be complete, then the Planning Board shall refer the application along with the Planning Board's recommendations, in writing, to the Zoning Board of Appeals in time for the next regularly scheduled Zoning Board of Appeals meeting, and for actions that require referral to the Clinton County Planning Board under General Municipal Law § 239-m, the Planning Board shall refer the matter to the Clinton County Planning Board no less than two weeks prior to the Clinton County Planning Board's next regularly scheduled meeting. After the Zoning Board of Appeals receives the application forwarded from the Planning Board and conducts its review, the Zoning Board of Appeals shall proceed to schedule a public hearing. The Zoning Board of Appeals shall act on the application only after the closing of the public hearing.

B. Environmental review. Pursuant to the New York State Environmental Quality Review Act (SEQRA):

(1) The Codes and Zoning Officer shall, upon initial contact with an applicant, inform the applicant whether a short environmental assessment form or a full environmental assessment is required to be submitted by the applicant. The Codes and Zoning Officer's decision as to which form shall be used shall be based on the complexity of the project.

(2) The Zoning Board of Appeals, in its initial review of and application, shall determine what type of SEQR action the project falls under pursuant to Article 8 of the New York State Conservation Law and 6 NYCRRR Part 617.

(3) Upon review of the short or full EAF, the Zoning Board of Appeals shall issue either a negative or positive declaration for the purposes of SEQRA. The special use shall not be considered approved until the requirements of SEQRA are fulfilled.

C. Public hearing. The Zoning Board of Appeals shall conduct a public hearing on the application within 62 days of the receipt of a complete application. Notice of said hearing shall be printed in a newspaper of general circulation in the Town at least five days prior to the date of the hearing.

D. Decisions. Within 45 days of the public hearing, the Zoning Board of Appeals shall render a decision to approve, disapprove, or approve with modifications. Said forty-five-day period may be extended by mutual agreement between the applicant and the Zoning Board of Appeals. All decisions of the Zoning Board of Appeals shall be in writing, shall be filed with the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof shall be provided to the applicant.

§ 130-59. Conditions.

In its review of a special use permit application, the Zoning Board of Appeals may

impose any conditions it deems necessary to serve the interests of the public health, safety and general welfare, and to improve compatibility with surrounding parties. Such conditions may include, but shall not be limited to:

A. Requiring landscaping or vegetative screening.

B. Increasing building setback.

C. Limiting the size of buildings, parking areas or facilities.

D. Specifying the location and design of entrances, exits, and off street parking space.

E. Requiring that materials be stored indoors or certain activities be conducted indoors.

F. Requiring noise barriers.

G. Requiring stormwater retention ponds or other drainage and pollution control devices.

§ 130-59.1. Reimbursable expenses.

Costs incurred by the Planning Board or Zoning Board of Appeals for consultation fees, staff review costs, or other expenses in connection with the review of special use applications and plans may be charged to the applicant. The Planning Board or Zoning Board of Appeals may require the posting of financial security in the form or cash, bank check, or other such form acceptable to the Town Planning or Zoning Attorney in order to ensure that reimbursements and/or improvements are carried out as specified in the plans and approvals.

ARTICLE IX
Variances and Appeals

§ 130-60. Board of Appeals.

The Town of Champlain Zoning Board of Appeals (ZBA) shall have the following powers and duties:

A. To review and approve requests/applications for special use permits in accordance with the standards and procedures set forth in this chapter;

B. To review and approve requests for use and area variances;

C. To hear appeals from a decision of the Zoning Enforcement Officer;

D. To decide any question involving the interpretation of a provision and/or definition contained in this chapter.

§ 130-61. Application.

The property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals, using forms supplied by the Zoning Board of Appeals. The applicant shall include a copy of the Tax Map which shows the property; a map drawn to scale showing the property, and plans and elevations necessary to show the proposed variance; and other drawings or information as determined by the Zoning Board of Appeals.

§ 130-62. Variance policy.

An area variance shall only be granted if the provisions of § 130-63 of this chapter are strictly met. A use variance shall only be granted if the provisions of § 130-64 of this chapter are strictly met.

§ 130-63. Requirements for area variances.

A. Area variances may be granted where the dimensional or physical requirements of this chapter cannot be reasonably met, including but not limited to minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum open space, maximum lot coverage by buildings, maximum height of buildings, size or height of signs, and screening requirements.

B. In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination, the Board shall also consider:

   (1) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by the granting of the area variance.

   (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(3) Whether the requested variance is substantial.

(4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

§ 130-64. Requirements for use variances.

A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this chapter.

B. No such use variance shall be granted by the Board of Appeals without showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals all of the following:

(1) For each and every permitted use or special permitted use within the zone where the property is located, the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.

(2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

(3) That the requested use variance, if granted, will not alter the essential character of the neighborhood.

(4) That the alleged hardship has not been self-created.

C. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

§ 130-65. Approval of variances with conditions.

In the granting of variances, the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property, and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 130-66. Time of appeal.

Any appeal from a decision of the Zoning Enforcement Officer shall be made within 60 days after the Zoning Enforcement Officer makes and files said decision.

§ 130-67. Stay upon appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Appeals that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record.

§ 130-68. Review and approval procedure.

A. Upon receipt of a complete application, the ZBA shall:

(1) Schedule a public hearing within 62 days and provide notice of such hearing by publication in a newspaper of general circulation in the Town at least five days prior to the date thereof.

(2) Refer the application to the Clinton County Planning Board, if required, at least two weeks prior to the regular scheduled meeting of the Clinton County Planning Board. (See § 130-76.)

B. The Board of Appeals shall conduct a public hearing on the matter.

C. Within 45 days of the final public hearing, the ZBA shall render a decision. Said time period may be extended by mutual consent of the applicant and the Board.

D. All decisions shall be in writing and shall be filed with the Town Clerk within five business days of the decision, and a copy thereof shall be provided to the applicant.

§ 130-68.1. Reimbursable expenses.

Costs incurred by the Zoning Board of Appeals for consultation fees, staff review costs, or other expenses in connection with the review of area or use variance applications and plans may be charged to the applicant.

ARTICLE X
Administration and Enforcement

§ 130-69. Zoning permits.

A. Except for exempt actions listed in § 130-3B and C of this chapter, no building or structure shall be erected, altered, moved, or use instituted, until a zoning permit has been issued. The exterior structural area of a building or structure shall not be enlarged until a zoning permit has been issued.

B. Parking lots for places of public assembly and commercial or business uses shall require a zoning permit for placement.

C. When establishing measurements to meet required setbacks, measurements shall be taken from the road right-of-way or lot line to the furthermost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, and attached garages.

D. A zoning permit issued under this chapter shall expire one year from the date of issue, if construction is not substantially begun.

E. Any use that has been discontinued for a period of 12 months or longer shall be considered abandoned and may not be reinstituted without applying for a new zoning permit.

F. Applications for zoning permits shall be submitted to the Zoning Enforcement Officer or Town Clerk and shall include three copies of a layout or plot plan, drawn to scale, showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the distance from the building line to all lot lines, road lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this chapter. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk or Zoning Enforcement Officer.

G. Permit fees shall be established by resolution of the Town Board.

H. Temporary permits may be issued by the Zoning Enforcement Officer, upon approval by the Board of Appeals, for a period not exceeding one year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit, or to bring the use into compliance by a specific time. Such permits may be renewed.

§ 130-70. Certificate of occupancy.

A. No land shall be occupied or used and no building or structure hereafter used, or changes made in the use, until a certificate of occupancy has been issued by the Zoning Enforcement Officer stating that the building, structure, or proposed use thereof complies with the provisions of this chapter.

B. No certificate of occupancy shall be issued unless the proposed use or structure is

provided with a septic system approved by the Clinton County Health Department, or New York State Department of Environmental Conservation, or sewerage service is provided by a public sewerage system.

§ 130-71. Zoning Enforcement Officer.

A. This chapter shall be enforced by the Zoning Enforcement Officer (ZEO), who shall be appointed by the Town Board.

B. The duties of the Zoning Enforcement Officer shall be to:

(1) Approve and/or deny zoning permits.

(2) Scale and interpret zone boundaries on the Zoning Map.

(3) Approve and/or deny certificates of occupancy.

(4) Refer appropriate matters to the Zoning Board of Appeals or Town Board.

(5) Revoke zoning permits where there is false, misleading or insufficient information. Revoke zoning permits and/or certificates of occupancy where the applicant has varied from the terms of the application.

(6) Investigate violations, issue stop-work orders, and refer violations to the Town Board.

(7) Report at regular Town Board meetings the number of zoning permits and certificates of occupancy issued and fees collected.

§ 130-72. Planning Board.

A. Powers and duties. The Town of Champlain Planning Board shall have the following powers and duties:

(1) Review and approval of subdivision applications in accordance with the standards and procedures set forth in Chapter 111, Subdivision of Land.

(2) Submission of advisory opinion to the Town Board for any proposed amendment to this chapter.

(3) Receive and review applications for special use permits, refer special use permit applications to the Zoning Board of Appeals, and make written recommendations to the Zoning Board of Appeals on such special use permit applications, and for such applications that require referral to the Clinton County Planning Board under General Municipal Law § 239-m (see § 130-76 herein), the Town of Champlain Planning Board is hereby authorized to refer such matters to the Clinton County Planning Board.

B. Procedures. Meetings shall be held at such meeting times as the Planning Board may determine, or at the call of the Chairman. A quorum shall consist of three members, but in order to approve a motion or application, an affirmative vote of at least three members shall be required. The Planning Board shall keep minutes of its proceedings showing the vote of each member upon each question. All meetings and hearings of the Planning Board shall be public. Every decision or determination

shall be in writing, and shall be filed in the office of the Town Clerk within five business days and shall be public record.

§ 130-73. Zoning Board of Appeals.

A. Creation. A Zoning Board of Appeals is hereby created. Said Board shall consist of five members. The Town Board shall appoint members of the Board of Appeals on a staggered-term basis in conformance with Town Law, and shall appoint a Chairman and Vice Chairman. The Board of Appeals shall select a Secretary and may prescribe rules for the conduct of its affairs.

B. Procedures. Meetings shall be held at such meeting times as the Board may determine, or at the call of the Chairman. A quorum shall consist of three members, but in order to reverse a decision of the Enforcement Officer, or to authorize a variance, an affirmative vote of three members shall be required. The Board shall keep minutes of its proceedings showing the vote of each member upon each question. All meetings and hearings of the Board shall be public. Every decision or determination shall be in writing, and shall be filed in the office of the Town Clerk within five business days and shall be public record. In addition to the powers and duties granted by law, the Zoning Board of Appeals shall also:

   (1) Review and approve special use permits in accordance with the standards and procedures set forth in this chapter.

   (2) Submit advisory opinions to the Town Board for any proposed amendment to this chapter.

§ 130-74. Enforcement; penalties for offenses.

A. Any person committing an offense against any provision of this chapter shall, upon conviction, be punished by a fine of not less than $100 nor more than $200 for the first offense and not less than $500 nor more than $1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days or by both such fine and imprisonment for each violation thereof. **[Amended 9-11-2018 by L.L. No. 2-2018]**

B. Alternative remedy. In the case of any violation or threatened violation of any of the provisions of this chapter, or conditions imposed by a zoning permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises and to collect a penalty or fine assessed hereunder.

C. Stop-work order.

   (1) The Town Board for the Town of Champlain herein grants the Zoning Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred and immediately terminating said violation by posting a stop-work order on the premises wherein the violation has occurred.

(2) The stop-work order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the stop-work order must be terminated immediately.

D. Appeal. Any person found to be in violation as described above may appeal the notice of violation to the Zoning Board of Appeals. Such appeal must be in writing and may be made no later than 60 days from the date of the notice. An appeal to the Zoning Board of Appeals shall stay enforcement, including the accumulation of fines and penalties from the date such appeal is filed in the office of the Zoning Board of Appeals to the date of a determination by the Zoning Board of Appeals.

E. Misrepresentation. Any permit or approval granted under this chapter which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstances known, by or behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town under Subsections A through C of this section.

§ 130-75. Amendments.

A. The Town Board may amend, supplement, or repeal the regulations and provisions of this chapter after public notice and public hearing. Certain amendments require referral to the Clinton County Planning Board as described in § 130-76 below. The Town Board, by resolution, shall fix the time and place of public hearing on the proposed amendment and shall cause notice to be given as follows:

(1) By publishing a notice at least 10 days in advance in the official newspaper of the Town.

(2) By referring the proposed amendments to each town and village within 500 feet of the Town of Champlain boundaries, and to any state park commission whose property lies within the Town or within 500 feet of its boundaries.

B. In case of a protest against such amendment signed by the owners of 20% or more of the area of land included in such amendment, or in the case of a disapproval by the County Planning Board, the Town Board must have a vote of majority plus one in favor in order to adopt the amendment.

§ 130-76. Referral to County Planning Board.

A. State law requires that certain variances, special use permit approvals, or zoning amendment actions be referred to the Clinton County Planning Board for its review prior to taking final action on the matter. Such actions are those which affect real property within 500 feet of any of the following:

(1) A state or county highway.

(2) State or county land where a public building or institution is located.

(3) A state- or county-owned park or recreation area.

(4) The Town of Champlain boundary.

(5) Boundaries of the villages of Champlain and Rouses Point.

(6) The boundary of a farm operation located in an agricultural district as defined by the Agriculture and Markets Law, except that this subsection shall not apply to area variances.

B. If the County Planning Board does not respond within 30 days from the time it receives a complete application, final action may be taken on the matter without such report. The term "receives" as used in this section shall mean delivery at least one week in advance of the regularly scheduled County Planning Board meeting.

C. In the event the County Planning Board disapproves the proposal, or approves it subject to modifications, then the local board may override the county opinion only by a vote of a majority plus one of its members.

D. The local board shall send a copy of its final decision to the County Planning Board within seven days after the local decision is reached. If the decision of the local board is contrary to a County Planning Board recommendation, then the local board shall send a resolution fully stating the reasons for its contrary action.

§ 130-76.1. Severability.

Should any section of the provisions of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 130-76.2. When effective.

The provisions of this chapter, along with any amendments thereto, shall take effect upon filing with the Secretary of State.

ARTICLE XI
Adult Uses and Entertainment

§ 130-77. Purposes.

To regulate the creation, opening, commencement and/or operation of adult use and entertainment establishments, as herein defined, in order to achieve the following:

A. To preserve the character and quality of life in the Town of Champlain's neighborhoods and business areas.

B. To control such documented harmful and adverse secondary effects of adult uses on the surrounding areas as: decreased property values; attraction of transients; parking and traffic problems; increased crime; loss of business for surrounding nonadult businesses; and deterioration of neighborhoods.

C. To restrict minors' access to adult uses.

D. To maintain the general welfare and safety for the Town of Champlain's residents.

§ 130-78. Allowed zoning districts.

All adult use and entertainment establishments as defined herein may only be created, opened, commenced or operated within the Industrial/Commercial 8 (IC-8) zoning district as designated in the Town of Champlain.

§ 130-79. Location within allowed zoning district.

An adult use and entertainment shall be allowed only in HI — Heavy Industrial zoning district and within such district, shall not be allowed:

A. Within 1,000 feet of the boundary of any residential zoning district in the Town of Champlain;

B. Within 1,000 feet of the property line of a parcel used for residential purposes in the Town of Champlain;

C. Within 1,000 feet of the property line of a parcel containing or owned by a church or synagogue, other place of worship, library, school, day-care facility, park, or playground within the Town of Champlain;

D. On the same parcel as another adult use and entertainment establishment;

E. Within 1,000 feet of the property line of another adult use and entertainment establishment, whether or not such other establishment is located in the Town of Champlain. The above distances of separation shall be measured from the nearest exterior wall of the portion of the structure containing the adult use and entertainment establishment;

§ 130-80. Area, yard, and height setback requirements.

Area, yard, and height requirements shall be the same as for other uses in the HI — Industrial district, except as noted above.

§ 130-81. Parking space requirements.

One space per each employee plus one space per three seats or stools.

§ 130-82. Screening requirements and landscaping requirements.

The Town of Champlain Zoning Board of Appeals will determine screening and landscaping requirements at the site plan review of the application.

§ 130-83. Signage.

Signs allowed shall be in compliance with Industrial/Commercial 1 (IC-1) district zone regulations. Any ground, wall, canopy, window or projection sign shall contain only the name of the establishment. It shall not contain any advertising or identification of any product, service, etc.

§ 130-84. Prohibition of certain materials visible from outside building.

No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the establishment.

§ 130-85. Prohibition of certain sounds discernible from outside building.

No live or recorded voices, music, or sounds shall be heard from outside the establishment.

§ 130-86. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE — A bookstore which as one of its principal business purposes offers the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or has as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET/CLUB — A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes persons who appear nude or seminude, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, videocassettes, slides, or other photographic reproductions which depict specified sexual activities or specified anatomical areas.

ADULT LIVE ENTERTAINMENT — Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

ADULT LIVE ENTERTAINMENT BUSINESSES — Any establishment of business wherein adult live entertainment is shown for observation by patrons.

ADULT MOTEL OR HOTEL — A motel, hotel, or similar commercial establishment that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one of its principal business purposes; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or seminude, or live performances that expose or depict specified anatomical areas or specified sexual activities.

ADULT USE — A public or private establishment or any part thereof, which presents any of the following entertainments exhibitions or services: topless and/or bottomless dancers, strippers, topless waitressing, busing or service; topless hair care or massage, service or entertainment where servers or entertainers wear pasties, G-strings or both; adult arcade; adult bookstore or video stores; adult cabarets; adult motels; adult motion-picture theaters, adult theaters; escort agencies; nude model studios and sexual encounters center, and any other similar business operated in a similar manner.

ADULT VIDEO STORE — A commercial establishment which as one of its principal business purposes offers for sale or rent for any form of consideration any one or more of the following: videocassettes, video reproduction, photographs, films, motion pictures, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

ESCORT AGENCY — A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration. An "escort" means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person, or, for consideration but without license granted by the State of New York, agrees or offers to provide a massage for another person.

NUDE MODEL STUDIO — Any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any other form of consideration.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities

between male and female persons and/or persons of the same sex when one or more of the persons are in a state of nudity or seminude.

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

§ 130-87. Penalties for offenses.

A. Any person, firm, corporation or entity found to be violating any provisions of this article shall be served with a written notice by the Town's Code Enforcement Officer or his designee, stating the nature of the violation and providing for immediate correction thereof. Such notice shall be served by one of the following methods:

   (1) By personal service;

   (2) By certified mail, return receipt requested, addressed to his or their last known address as shown on the latest completed assessment roll of the Town of Champlain; or

   (3) By posting of such notice in a conspicuous place upon the premises affected, and a copy thereof mailed, addressed to his or their last known address as shown on the latest completed assessment roll of the Town of Champlain.

B. Any person, firm, corporation or entity who shall violate any portion of this article shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not to exceed $500 for each violation. The continuation of a violation of the provisions of this article shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.

C. The owner and/or occupant and/or tenant and/or general agent of a building, premises or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.

D. Any person, firm, corporation or entity violating any of the provisions of this article shall become liable to the Town of Champlain for any expense or loss or damage occasioned by the Town of Champlain by reason of such violation.

E. The imposition of penalties herein prescribed shall not preclude the Town of Champlain or any person from instituting appropriate legal action or proceedings to prevent a violation of this article, or to restrain or enjoin the use or occupancy of a building, premises or part thereof in violation of this article.

ARTICLE XII
Control of Bio-Sludge and Waste

§ 130-88. Application of products.

No person shall apply biosolids, biosolid products, and human-waste-derived products (hereinafter referred to as the "products") on lands in the Town until all of the procedural requirements set forth in this article as well as those set forth in applicable federal and state laws and regulations have been satisfied. No owner shall permit land application of biosolids, biosolid products, and human-waste-derived products on land in the Town until all of the requirements set forth in this article and those set forth in all state and federal laws and regulations have been satisfied.

A. Land application of biosolids, sewage sludge, or human-waste-derived products shall not encroach within 100 feet of any floodplain as established by the Federal Emergency Management Agency, and displayed in the most current version of Flood Insurance Rate Map.

B. Land application of biosolids, sewage sludge, or human-waste-derived products shall not encroach within 500 feet of any property boundary.

C. Land application of biosolids, sewage sludge, or human-waste-derived products must be accomplished within one week of the placement of the material on site unless unforeseen weather conditions or other circumstances reasonably beyond the control of the permittee prevent such application and must then be applied as soon as reasonably practical.

D. Land application of biosolids, sewage sludge, or human-waste-derived products must be accomplished in an application rate that is in accordance with the manufacturer's recommendations for use, and shall not exceed 40 cubic yards of material per acre per calendar year.

E. Land application activities must be scheduled so as to avoid conflicts with community and social events in the vicinity of the land application site.

F. Land application of above product(s) must comply with the following:

   (1) Land application is prohibited in areas where groundwater is within 24 inches of the ground surface at time of application.

   (2) Land application is prohibited in areas where bedrock lies less than 24 inches below the ground surface.

   (3) Land application is allowed only on soils with a minimum of six inches of existing topsoil and shall not be used as a soil filter, replacement or supplement.

   (4) The land application rate must not exceed the agronomic rate of lime addition designed to achieve a soil pH value in an acceptable range for the crop grown. The application rate must be sufficiently reduced to ensure the appropriate application rate is not exceeded if supplemental fertilizer or manure has been or is intended to be added to the site.

(5) In all cases, the product that is land applied must be incorporated into the soil within 48 hours after application, unless concerns regarding odor and surface runoff can be mitigated by other means, and upon the advice and recommendation of the Town's Zoning Board of Appeals Code Enforcement Officer, the Town approves such means.

(6) Land application is prohibited on water-saturated ground or during heavy rainfall. Land application is prohibited on snow-covered or frozen ground, except by direct injection below the land surface.

(7) Proper soil conservation practices and agricultural management practices must be used to minimize runoff and soil loss through erosion.

(8) Land application of product is prohibited on land with a slope exceeding 15%. Land application of liquid product with a total solids content of less than 15% is prohibited on land with a slope greater than 8%, unless applied by subsurface injection along paths parallel to contour lines of the land.

§ 130-89. Storage or stockpiling.

No person shall operate a storage facility or stockpile for biosolids, sewage sludge, or human-waste-derived products within the Town without receipt of a special use permit from the Town, if applicable.

§ 130-90. Odors.

No person shall land apply or stockpile biosolids, sewage sludge, or human-waste-derived products generating odors offensive to persons of ordinary sensibility across property lines for two weeks or more after completed land application. If odors persist for more than two weeks after application, the owner shall be required to remedy the odor through means such as tilling of the land, or spreading of some other permitted soil over the land to reduce the odor.

§ 130-91. Exceptions.

These regulations shall not apply to on-site disposal of human waste and septage through an approved on-site septic system or on-site sewage treatment process. Further, these regulations shall not apply to any bagged biosolid product or human waste-derived product that is sold in a bagged form, and which remains in bagged form until used by the consumer.

§ 130-92. Monitoring and sampling.

A. By agreeing to accept biosolids, sewage sludge, or human-waste-derived products for land application, the owner of a property on which land application takes place agrees to allow the Town Code Enforcement Officer access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the permittee and/or applicator to ensure that the property owner is advised of this requirement. The Code Enforcement Officer (CEO) shall make diligent efforts to contact the property owner prior to entering the property.

B. The permittee and the owner shall allow the Town Code Enforcement Officer to

take samples at the application site before, during, and after the application. Any test samples shall be analyzed at a lab qualified to determine compliance with all applicable laws and regulations. At the request of the applicator, the Code Enforcement Officer shall provide the owner with a site sample.

C. Upon completion of the analysis, the results shall be provided to the Town and the owner(s) of the property in question. If the tests indicate that the biosolid, sewage sludge or human waste-derived product does not meet federal and New York State-established standards for regulated pollutants, pathogens, heavy metals, carcinogenic materials and other state and federal hazardous wastes, the Town may notify the state and federal governing agencies of the deficiencies of the product and request cleanup of the product at the owner(s)'s/applicator(s)'s expense.

§ 130-93. No landfill.

The creation and/or operation of sanitary landfills, dumps, dumping grounds or incinerators within the Town of Champlain for solid and/or liquid waste coming from inside or outside the boundaries of the Town of Champlain is prohibited.

Appendix

Chapter A131

HIGHWAY SPECIFICATIONS

[HISTORY: Adopted by the Town Board of the Town of Champlain 12-5-1979; amended in its entirety 6-8-1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 109. **Subdivision of land — See Ch. 111.**

§ A131-1. Minimum standards established.

No highway shall be accepted for dedication by the Town of Champlain unless it meets the following minimum specifications:

A. The width of the right-of-way shall be no less than 60 feet. **[Amended 8-10-2004 by L.L. No. 4-2004]**

B. There shall be a gravel base, 28 feet in width and two feet in depth, located generally in the center of the right-of-way.

C. There shall be pavement 20 feet in width, located generally in the center of the said right-of-way, as follows: three inches of dense binder, covered by 1 1/2 inches of topcoat.

D. Ditches and culverts with flared ends shall be dug and installed. All culverts shall have flared ends. **[Amended 8-10-2004 by L.L. No. 4-2004]**

E. Culs-de-sac shall be provided and installed in lieu of all closed-end highways and shall have turnarounds having an outside roadway diameter of at least 90 feet.

F. The proposed highway must be inspected and approved by both the Town and County Superintendents of Highways.

G. The provisions of the State of New York Department of Transportation publications, Standard Specifications of January 2, 1973, or revisions thereof, shall also be complied with.

H. Before commencing any construction, the Town Highway Superintendent must be consulted for details and approval of construction plans.

Disposition List

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Champlain adopted since the 2010 republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the 2010 republication of the Code was L.L. No. 2-2010, adopted 4-13-2010.

§ DL-1. Disposition of legislation.

Local Law No.	Adoption Date	Subject	Disposition
3-2010	10-12-2010	2011 real property tax credit (former Fire Protection District)	NCM
4-2010	11-9-2010	Volunteer firefighters and ambulance workers tax exemption	Ch. 113, Art. VI
5-2010	12-14-2010	Control and licensing of dogs	Ch. 66, Art. VI
1-2014	4-8-2014	Procurement: best value bidding	Ch. 30, Art. II
2-2014	4-8-2014	Zoning amendment	Ch. 130
3-2014	5-13-2014	Dogs: control and licensing of dogs amendment	Ch. 66, Art. VI
4-2014	10-14-2014	2015 tax levy override	NCM
1-2015	9-8-2015	2016 tax levy override	NCM
2-2015	10-13-2015	Zoning amendment	Ch. 130
3-2015	10-13-2015	Moratorium on solar panel field or related business applications	NCM
1-2016	1-12-2016	Water: consolidated water district	Ch. 124, Art. III
2-2016	10-18-2016	2017 tax levy override	NCM
1-2017	11-14-2017	2018 Tax Levy Limit Override	NCM
2-2017	11-14-2017	Taxation: Cold War Veterans Exemption Amendment	Ch. 113, Art. V
3-2017	12-27-2017	Taxation: Solar, Wind and Farm Waste Energy Systems	Ch. 113, Art. VII
1-2018	9-11-2018	Junk and Vehicle Storage Amendment	Ch. 89
2-2018	9-11-2018	Zoning Amendment	Ch. 130
3-2018	9-11-2018	Fire Prevention and Building Construction Amendment	Ch. 76

Local Law No.	Adoption Date	Subject	Disposition
4-2018	9-11-2018	Solid Waste: Dumping Amendment	Ch. 107, Art. I